Hornby Island Local Trust Committee
Regular Meeting Agenda

Date: September 11, 2020
Time: 10:00 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:00 AM - 10:05 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 10:05 AM - 10:10 AM

2.1 Electronic Meetings Resolution

That in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Hornby Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically over the period August 26 to October 31, 2020, will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

3. REPORTS 10:10 AM - 10:20 AM

3.1 Trustee Reports

3.2 Chair's Report

3.3 Electoral Area Director's Report - verbal update

4. TOWN HALL 10:20 AM - 10:30 AM

5. DELEGATIONS - None

6. MINUTES 10:30 AM - 10:35 AM

6.1 Local Trust Committee Minutes dated June 26, 2020 - for adoption 4 - 18

6.2 Section 26 Resolutions-without-meeting - none

6.3 Advisory Planning Commission Minutes - none

6.4 Local Trust Committee Public Hearing Record dated June 26, 2020 - for receipt 19 - 20

7. BUSINESS ARISING FROM MINUTES 10:35 AM - 10:40 AM

7.1 Follow-up Action List Report dated September 1, 2020 21 - 24

8. BC FARM INDUSTRY REVIEW BOARD (BCFIRB) PRESENTATION ON FARM PRACTICES 10:40 AM - 11:10 AM

Presentation by BCFIRB Staff about their independent administrative tribunal and its role in hearing complaints under the Farm Practices Protection Act, including those related to shellfish aquaculture.

8.1 Question and Answer Session

9. APPLICATIONS AND REFERRALS 11:10 AM - 11:40 AM

9.1 HO-DVP-2019.1 (Hornby Island Resort Ltd.) - Staff Report 25 - 62

9.2 HO-DP-2019.5 (Hornby Island Resort Ltd.) - Staff Report - for decision 63 - 76

9.3 HO-RZ-2018.1 (Wiseman) - Staff Report 77 - 100

----- BREAK 11:40 AM to 12:00 PM -----

10. LOCAL TRUST COMMITTEE PROJECTS 12:00 PM - 12:20 PM

10.1 R3A Zoning Amendment - Staff Report - for decision 101 - 106

10.2 Top Priorities Staff Report (deferred from June 26, 2020) - for decision 107 - 110

11. CORRESPONDENCE 12:20 PM - 12:30 PM

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

11.1 Email dated July 2, 2020 from J. Kennedy regarding Bylaw Enforcement of Short Term Vacation Rentals (STVRs) 111 - 111

11.2 Email dated August 20, 2020 from T. Law regarding Cycle Lanes 112 - 112

11.3 Email dated August 24, 2020 from D. Gutstein regarding R2 Zone 113 - 115

11.4 Email dated August 24, 2020 from J. Steen, K. Fagerlund and J. Steen regarding Lot 3 Plan 30505 116 - 116

11.5 Email dated August 25, 2020 from T. Law regarding Housing 117 - 124

	11.6	Email dated August 27, 2020 from J. Ovitsland regarding Non-Compliant Housing	125 - 125
12.	NEW BUSINESS		12:30 PM - 1:00 PM
	12.1	Hornby Island Groundwater Sustainability Strategy - verbal update	
13.	REPORTS		1:00 PM - 1:10 PM
	13.1	Trust Conservancy Report dated July 14, 2020	126 - 127
	13.2	Applications Report dated September 1, 2020	128 - 134
	13.3	Trustee and Local Expense Report dated July, 2020	135 - 135
	13.4	Adopted Policies and Standing Resolutions	136 - 139
	13.5	Local Trust Committee Webpage	
14.	WORK PROGRAM		1:10 PM - 1:15 PM
	14.1	Top Priorities Report dated September 1, 2020	140 - 140
	14.2	Projects List Report dated September 1, 2020	141 - 142
15.	CLOSED MEETING - None		
16.	UPCOMING MEETINGS		
	16.1	Next Regular Meeting Scheduled for Friday, November 6, 2020 at 10:00 am at - Location to be determined	
17.	ADJOURNMENT		1:15 PM - 1:15 PM

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: June 26, 2020
Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Ian Cox, Planner 1
William Shulba, Islands Trust Freshwater Specialist
Vicky Bockman, Recorder

Others Present: Approximately thirty two (32) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 11:37 am. She welcomed the public; introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in traditional territory of the Qualicum and K'omoks First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

15.6 What We Heard: Islands 2050: The Future of the Trust Area Public Engagement Fall 2019

HO-2020-025
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee approve the agenda as amended.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported that he attended the electronic Trust Council meeting by Zoom last week.

Trustee Scott reported on the following:

- He hopes Hornby Island can host a Trust Council meeting, as originally intended for June 2020, when pandemic guidelines allow;

- Many visitors have begun to arrive on Hornby Island causing some concerns, however, the Provincial Pandemic Guidelines are being supported;
- He has asked the Director, Trust Area Services for information sessions about the Islands Trust to be held on Hornby Island.

3.2 Chair's Report

Chair Fast reported that she attended the electronic Trust Council meeting last week and noted that planning the first full electronic Trust Council meeting to include 26 Trustees on the Zoom platform was challenging but successful.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- Opposition was expressed to the Hornby Island Resort development proposal as it contravenes the desirable rural characteristics, is not small, low density or low impact as the bylaws require. The community should be consulted further and the Local Trust Committee (LTC) was encouraged to deny the application as it is currently presented;
- The Thatch Pub redevelopment application was supported and should be allowed to proceed. This project has been discussed by the community for 14 years and the zoning is already in place;
- On behalf of the Hornby Island Community Economic Enhancement Corporation and the Short Term Rental Association, the LTC was requested to pause proactive enforcement of non-compliant rental properties until the Official Community Plan (OCP) and Land Use Bylaw (LUB) can be reviewed in public consultation to include a discussion of a future approach;
- Management of BC Ferries Terminal Development Planning expressed concern regarding the parking configuration proposed by the Hornby Island Resort development as it does not meet LUB requirements for parking spaces, will create a safety hazard by requiring vehicles to back up on to the roadway, and will compromise BC Ferries' long term vision to create a holding lane in that area. Additionally, as the proposed development is next to an active ferry terminal where the vessel is moored overnight, a covenant was requested against resident or guest complaints regarding noise and lighting;
- Concern was expressed that the policy of proactive enforcement of non-compliant vacation home rentals is being applied to bed and breakfast operations as well;
- LUB terminology for dwellings and kitchens is too broad and needs to be defined more concisely;
- A business owner adjacent to the smoker food truck operation complained that the smoke traveling from the BBQ is unsafe and is affecting his business negatively; and concern was expressed that the proposed mitigation plan including the smokestack would not be effective in eliminating the smoke. A plan to move the smoker and resulting smoke elsewhere would be supported.
- Operation of a vacation home rental allows a long term Hornby Island resident to keep the property and provides employment opportunities;
- A community member objected that their subdivision application was unfairly denied based on the OCP and LUB 4 hectare minimum inconsistency; and that their request to speak to the LTC on today's agenda as a delegation was not allowed.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated May 1, 2020 - for adoption

By general consent the Local Trust Committee meeting minutes of May 1, 2020 were adopted.

6.2 Section 26 Resolutions-without-meeting Report dated June 16, 2020

Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated June 16, 2020

Trustees requested that Islands Trust Freshwater Specialist Shulba be invited to attend the September 11, 2020 LTC meeting to provide an update on the April 5, 2019 activity regarding the Watershed Protection and Groundwater Preservation project.

8. APPLICATIONS AND REFERRALS

8.1 HO-DVP-2019.1 (Hornby Island Resort Ltd.) - Staff Report - for decision

Planner Dubyna summarized the staff report that asks the LTC to consider the Development Variance Permit (DVP) application to permit variances to reduce the front and interior side lot line setbacks and to permit increased height for buildings and structures located within 100 metres of the natural boundary of the sea and for accessory buildings and structures.

She advised that new information has been received from BC Ferries and the Ministry of Transportation and Infrastructure that raises concerns regarding the proposed parking and commercial access; and she recommended that consideration of the DVP be deferred at this time to allow the applicant time to address these concerns.

Trustees discussed the development proposal, with the following noted:

- Water and sewage concerns have been expressed; it is the responsibility of the applicant to obtain a groundwater license;
- The development location is a known archeological site and it was questioned whether K'ómoks First Nation has been consulted;
- Current zoning of the property allows for density of 15 visitor accommodation units, pub and restaurant and one accessory dwelling unit;
- This application proposes the same height variances that the community objected to in 2012.

Chair Fast invited the applicant and project architect to speak to the application and the following was noted:

- The Archeology Branch has been contacted and a permit approved. It is the applicant's understanding that First Nations will have been made aware of the project and that a staff person will be on site during construction. The permit can be shared with Islands Trust staff if desired;

- Prior years water usage serviced 14 visitor accommodations, accessory laundromat and showers while this project proposes 15 units with no additional laundromat or showers, and low flow appliances will be installed. Water usage is expected to be less than previous years; water and septic capacity are adequate to support the plan;
- Discussions have been held with BC Ferries regarding their desire for future stacking lanes and the applicant is amenable to working with them to improve the situation;
- None of the proposed buildings will be over eight metres from natural grade;
- The requested height variances are the same as those requested in 2012, however, this design is superior and maintains the pub as a community amenity.

HO-2020-026
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee defer consideration of issuance of HO-DVP-2019.1 (Hornby Island Resort Ltd.) to the September 11, 2020 Local Trust Committee meeting, that staff confirm that K'ómoks First Nation has been consulted, and that the following be addressed:

- BC Ferries concerns regarding parking; and
- Ministry of Transportation and Infrastructure safety concerns.

CARRIED

8.2 HO-DP-2019.5 (Hornby Island Resort Ltd.) - Staff Report - for decision

Planner Dubyna advised that the staff report discusses an application to authorize the demolition of existing buildings; and construction of a new pub/restaurant with attached office and accessory residential dwelling unit, and fifteen visitor accommodation units in four accessory buildings located within the Commercial Centres Development Permit Area (DPA).

She reported staff are recommending deferral of consideration of the application to allow the applicant an opportunity to address concerns that have been raised.

Trustees' discussion included the following points:

- Determining adequacy of water is an important factor to the LTC in its consideration of this Development Permit;
- There is no requirement for an applicant to provide a hydrology report in DPA guidelines or the Development Information Bylaw; however, an applicant may be requested to provide this information.

By general consent continuation of agenda item 8.2 and the remaining agenda items will follow agenda items 9 and 10.
By general consent the meeting recessed at 1:24 pm and reconvened at 1:30 pm.

9. COMMUNITY INFORMATION MEETING

Official Community Plan (OCP) and Land Use Bylaw (LUB) Technical Amendments - Bylaw Nos. 161 and 162

http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/bylaws/

Chair Fast opened the Community Information Meeting at 1:31pm. There were approximately 32 public attending the electronic meeting.

Regional Planning Manager Kauer reported that the purpose of proposed Bylaw Nos. 161 and 162 is to update the current Hornby Island Official Community Plan and Land Use Bylaw to correct numerous minor typographical errors (including spelling, grammar, punctuation, and numbering), formatting inconsistencies, and outdated legislation titles and regulatory citations. She advised that there are no substantive changes involved in these amendments.

She explained that this is the opportunity for the public to ask questions and learn about the proposed bylaws and then explained the bylaw amendment process.

Chair Fast invited the public to a question and answer session about the bylaw technical amendments, and hearing no requests to speak, the Community Information Meeting was closed at 1:37 pm.

10. PUBLIC HEARING 1: 30 PM

10.1 Recess for Public Hearing

By General Consent the Local Trust Committee meeting was recessed at 1:37 pm to conduct a Public Hearing.

10.2 Recall to Order

By General Consent the Local Trust Committee meeting reconvened at 1:45 pm.

8.2 HO-DP-2019.5 (Hornby Island Resort Ltd.) - Staff Report – Continued

Trustees continued discussion of possible approaches to obtain information on adequacy of water for the project.

HO-2020-027
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort Ltd.) to the September 11, 2020 Local Trust Committee meeting and that the applicant be requested to submit to the Islands Trust a water plan including a water licence application number by a professional engineer or a professional geoscientist.

CARRIED

8.3 HO-TUP-2020.2 (Geselbracht & Walker (Payne)) - Staff Report for decision

Trustee Allen declared a potential conflict of interest as he is employed at a business located near the site of the application, and left the meeting at 1:53 pm.

Planner Dubyna summarized the staff report that asks the LTC to consider issuance of a Temporary Use Permit (TUP) for the operation of a food truck with conditions for the applicant to obtain of a Siting and Use Permit, screening of the shipping container, and submission of authorization from Island Health for the Operation of a Food Premises.

She advised that substantial correspondence has been received regarding the application, both for and against, and conditions have been included to designate hours of operation and to require mitigation measures to reduce smoke and/or odour. She

advised that the applicant has provided a smoke mitigation plan that includes installing a 36' high chimney with a forced air outtake fan.

Trustees' discussion included the following points:

- The community generally supports the food truck and location, however, there are health concerns regarding the smoke;
- The effectiveness of the proposed smokestack to reduce smoke to an acceptable level was difficult to evaluate. Questions arose regarding wind direction, possible touchdown impacts elsewhere, and windless days;
- Have other mitigation measures been considered should the proposed measures be inadequate?

Chair Fast invited the applicant to speak and the following was noted:

- Jeremy Payne advised that an engineer has provided a plan that includes modeling wind flow, plumes, and touchdown for the smokestack that indicates diluted smoke would touch down several hundred feet beyond neighbours. Other mitigating measures would be used to reduce smoke from the initial start-up;
- Moving the smoker off the property would negatively impact his business;
- In the general area of the proposed food truck operation there are businesses that include campsites producing campfire smoke and a gas bar;
- An option was suggested that the business might be allowed to operate for some period of time in order to determine if additional mitigating steps are necessary.

HO-2020-028
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2020.2 for the operation of a food truck for a period of one (1) year from the date of issuance, provided the following conditions are met:

a) A Siting and Use Permit is obtained for the shipping container and roofed structure;
b) Screening of the shipping container has been constructed or planted in accordance with Section 3.10(1) of the Hornby Island Land Use Bylaw No. 150;
c) The applicant submit a copy of a permit or other authorization from Island Health for the Operation of a Food Premises.

CARRIED

By general consent the meeting recessed at 2:24 pm and reconvened at 2:45 pm.

Trustee Allen returned to the meeting at 2:45 pm.

8.4 HO-RZ-2018.1 (Wiseman) - Staff Report - for decision

Regional Planning Manager Kauer presented an overview of the staff report that provides draft OCP and LUB amending bylaws to accommodate a two lot subdivision at 5020 Fowler Road and asks the LTC to consider referral of the bylaws, the drafting of a restrictive covenant and entering into a cost recovery agreement for the legal drafting/review of the covenant. She advised that in the absence of site specific environmental reports staff is recommending the restrictive covenant for protection of the wetlands depicted on the property on Schedule D1 of the OCP to reasonably ensure

that future development on the property would be consistent with the Islands Trust Policy Statement.

A Trustee questioned the presence of a wetland on the property and necessity of a covenant, suggesting that a site visit with a professional might be conducted to further assess the sensitivity of the environment on the property.

Chair Fast invited the applicant to speak and the following was noted:

- David Wiseman questioned the map's wetland designation, observing that the property is on flat ground with no streams, ponds, or lakes and the ground does get damp, however, is completely dry in the summer;
- He requested that staff conduct a site visit to investigate further;
- Requiring him to provide a hydrological report would be time consuming and expensive; this subdivision application has been ongoing for three years.

Further discussion included the following points:

- Islands Trust Freshwater Specialist Shulba advised of his qualifications and offered to conduct a site visit if requested;
- Streamlining the referrals in the interest of time by limiting to only those that are required for this two lot subdivision was considered.

HO-2020-029
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020", be read a first time.

CARRIED

HO-2020-030
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020", be read a first time.

CARRIED

HO-2020-031
It was MOVED and SECONDED,
that Proposed Bylaw Nos. 164 and 165 be referred to the following Local Governments and agencies for comment:

- Comox Valley Regional District
- Islands Trust Freshwater Specialist
- School District 71

CARRIED

HO-2020-032
It was MOVED and SECONDED,
that the Islands Trust Freshwater Specialist and a Local Trustee be requested to conduct a site visit to assess the potential impact of the HO-RZ-2018.1 (Wiseman) rezoning on the ecosystems.

CARRIED

8.5 Denman Island Local Trust Committee Referral - Request for Response regarding Bylaw Nos. 233 and 234 - for decision

HO-2020-033
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee respond to the Denman Island Local Trust Area Bylaw Nos. 233 and 234 referral request dated January 30, 2020: "Interests Unaffected by Bylaw".

CARRIED

11. APPLICATIONS AND BYLAWS

11.1 HO-ALR-2020.1 (Savoie) - Staff Report - for decision

Planner Cox presented the staff report that asks the LTC to consider forwarding this "non-adhering residential use" application to the Agricultural Land Commission for consideration and decision. He reported that the application to construct a second residential dwelling on Agricultural Land Reserve is consistent with the objectives and policies of the OCP and is supported by zoning regulations in the LUB.

HO-2020-034
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to forward HO-ALR-2020.1 to the Agricultural Land Commission with the following comment:

> "The Hornby Island Local Trust Committee finds HO-ALR-2020.1 to be consistent with the objectives and policies of the Hornby Island Official Community Plan, the Hornby Island Land Use Bylaw regulations, and appears to meet the criteria necessary to warrant consideration of a non-adhering residential use by the Commission."

CARRIED

11.2 HO-DVP-2020.1 (Olfert) - Staff Report - for decision

Planner Cox outlined the staff report, reporting that the applicant wishes to construct a dwelling exceeding the maximum height regulations within 100 metres of the natural boundary of the sea and therefore requiring a DVP application. He presented photographs provided by the applicant and noted that there has been no public comment as a result of the public notification process. He advised that staff have not found there to be sufficient justification for the variance nor is the variance considered by staff to be minor in nature.

Chair Fast invited the applicant to speak and the following was noted:

- Mark Olfert advised that the original cabin in that location had completely occluded the view;
- This proposal minimizes the footprint of the cabin and attempts to preserve views where it can;
- Neighbours on each side have been consulted and have no objections;
- The only alternative would be a larger single story dwelling that would extend further and negatively impact the view from the road.

In response to a Trustee's inquiry, Planner Cox confirmed that the Public Notice was mailed to the addresses in the proximity of the subject property.

HO-2020-035
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee not issue Development Variance Permit HO-DVP-2020.1.

In speaking to the motion, Trustees considered that a design change to bring the proposed dwelling into compliance would not be a hardship for the applicant and recognized the importance of upholding bylaw regulations.

CARRIED

11.3 Proposed (OCP) Bylaw No. 161 - for decision

For consideration of second and third readings, forwarding to the Executive Committee for Approval and forwarding to the Minister of Municipal Affairs and Housing for Approval.

Chair Fast explained that proposed Bylaw Nos. 161 and 162 were the subject of the CIM and Public Hearing earlier in the agenda.

HO-2020-036
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee consider second and third readings of proposed Bylaw No. 161 and forward to the Executive Committee for approval and forward to the Minister of Municipal Affairs and Housing for approval.

CARRIED

Staff advised that this resolution as worded requires correction to expand the text.

HO-2020-037
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee rescind resolution HO-2020-036.

CARRIED

HO-2020-038
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 161 cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", be read a second time.

CARRIED

HO-2020-039
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 161 cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", be read a third time.

CARRIED

HO-2020-040
It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 161 cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

HO-2020-041
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee forward Bylaw No. 161 cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019" to the Minister of Municipal Affairs and Housing for approval.

CARRIED

11.4 Proposed (LUB) Bylaw No. 162 - for decision

For consideration of second and third readings and forwarding to the Executive Committee for Approval.

HO-2020-042
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee consider second and third readings of proposed Bylaw No. 162 and forward to the Executive Committee for approval.

CARRIED

Staff advised that this resolution as worded requires correction to expand the text.

HO-2020-043
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee rescind resolution HO-2020-042.

CARRIED

HO-2020-044
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 162 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", be read a second time.

CARRIED

HO-2020-045
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 162 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", be read a third time.

CARRIED

HO-2020-046
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 162 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

11.5 HO-DVP-2020.2 (School District No. 71) - for decision

Regional Planning Manager Kauer reported that the LTC is asked to consider the applicant's request to waive the LUB requirement to provide a survey certificate signed by a B.C. Land Surveyor for the applications relating to the replacement of the Hornby Island Community School. She noted that staff would find the survey to be useful in evaluation of this project and recommended the requirement not be waived.

Trustees debated the request to waive the signed survey certificate. Some Trustees noted that the footprint of the new construction is unchanged from the original and that this requirement would cause unnecessary delay; the Chair observed that surveys can provide valuable information.

HO-2020-047
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee waive requirement for a current plan signed by a B.C. Land Surveyor.

CARRIED
Chair Fast Opposed

Chair Fast invited the project architect, Bradley Shuya, to speak to the issue with the following noted:

- He clarified that the building has been designed with a survey, however, due to the COVID-19 safety protocol measures it has not been registered as a signature was not able to be obtained;
- A second surveyor did review the survey to ensure that it is compliant;
- Waiving this requirement will allow the project to continue. The survey can be registered at a later date, and can be sent to Islands Trust staff at that time.

HO-2020-048
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request the applicant to provide a signed Certified Survey when available.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 R3A Zoning Amendment - Staff Report - for decision

Planning Manager Kauer presented the staff report that asks the LTC to consider giving readings to the proposed amendment to rezone the subject property from Residential 3 – Community Housing (Elder Housing) (R3) to Community Housing Zone (ISLA) (R3A) for an affordable housing project. She advised that the proposed bylaw amendment is consistent with the OCP and that the LTC may choose to undertake a public notification process to waive a Public Hearing.

A Trustee considered that sending the referral to First Nations may not be necessary in this case as the proposed amendment is limited to a change in the map designation and response time might delay the project.

HO-2020-049
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020" be read a first time.

CARRIED

HO-2020-050
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020" be read a second time.

CARRIED

HO-2020-051
It was MOVED and SECONDED,
that Proposed Bylaw No. 163 be referred to the following Local Governments and agencies for comment:

a) Comox Valley Regional District
b) School District 71.

CARRIED
Chair Fast Opposed

HO-2020-052
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 163, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020" as the Bylaw is consistent with the Hornby Island Official Community Plan No. 149, 2014, and request staff to proceed with public notification as per Section 467 of the *Local Government Act*.

CARRIED

HO-2020-053
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

12.2 Top Priorities - Staff Report - for decision

Trustees considered options for projects to be added as Top Priorities with the following noted:

- It was recognized that the Advisory Planning Commission (APC) is unable to meet to consider referrals due to COVID-19 restrictions;
- Deferring a decision to allow additional time to review options was suggested.

HO-2020-054

It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee defer prioritizing Top Priority projects to the September 11, 2020 Local Trust Committee meeting.

CARRIED

13. CORRESPONDENCE

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

13.1 Letter dated June 22, 2020 from Hornby Island Community Economic Enhancement Corporation regarding Bylaw Enforcement

Trustees discussed continuation of the proactive enforcement of vacation home rentals, as outlined in the standing resolution, and supported the current approach that is focusing on warning letters and education.

14. NEW BUSINESS

14.1 Islands Trust Signage at Gravelly Bay - for discussion

Trustees deferred to the September 11, 2020 LTC meeting discussion of replacing the Islands Trust signage at Gravelly Bay that was removed during construction of the new BC Ferries terminal.

14.2 Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report

HO-2020-055
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.

CARRIED

14.3 Advisory Planning Commission Appointments – for decision

Regional Planning Manager Kauer advised that official appointment of existing APC members for a two-year term is required.

HO-2020-056
It was MOVED and SECONDED,
that the following persons be reappointed to the Hornby Island Advisory Planning Commission for a term to begin June 26, 2020 and to expire June 26, 2022: Christine Amabilino Hunt, Vicki Bale, Joanne Ovitsland, Daniel Siegel, Rob McCreary and Wendy Burton.

CARRIED

By general consent the meeting recessed at 4:50 pm and reconvened at 4:56 pm.

Planning Manager Kauer reported that there is a vacant position on the APC and that interest has been expressed. She summarized the process that is required for discussion of this matter.

HO-2020-057
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee wishes to hold an *In Camera* electronic meeting in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) for the purpose of considering appointment of Advisory Planning Commission members and that the recorder and staff attend the meeting.

CARRIED

By general consent item 14.4 Trust Area Services Presentation was added to the agenda.

14.4 Trust Area Services Presentation – for discussion

HO-2020-058
It was MOVED and SECONDED,
that Trust Area Services staff be requested to prepare a power point presentation on how the Islands Trust works for public awareness building on Hornby Island.

CARRIED

15. REPORTS

15.1 Trust Conservancy Report dated May 26, 2020

Chair Fast provided a summary of the Islands Trust Conservancy Report. Trustees requested that staff print and mail to Trustees a paper copy of the Contiguous Forest Map.

15.2 Applications Report dated June 16, 2020

Received.

15.3 Trustee and Local Expense Report dated May, 2020

Received.

15.4 Adopted Policies and Standing Resolutions

Received.

15.5 Local Trust Committee Webpage

There were no changes or additions requested.

15.6 What We heard: Islands 2050: The Future of the Trust Area Public Engagement Fall 2019

Received.

16. WORK PROGRAM

16.1 Top Priorities Report dated June 16, 2020

This was discussed at agenda item 12.2 and the staff report addressing possible options was requested to be brought forward to the September 11, 2020 LTC meeting for consideration.

16.2 Projects List Report dated June 16, 2020

Received.

17. CLOSED MEETING - none

18. INFORMATION ITEMS

18.1 March 2020 Pinna Sustainability Report regarding Climate Projections for Islands Trust Area

http://www.islandstrustconservancy.ca/media/84991/itc_climateprojectionsreport_final.pdf

Received.

19. UPCOMING MEETINGS

19.1 Next Regular Meeting Scheduled for Friday, September 11, 2020 at 11:30 AM - location to be determined

An electronic *In Camera* meeting for the purpose of considering appointment of Advisory Planning Commission members with date and time to be determined.

HO-2020-059
It was MOVED and SECONDED,
that the next regular Hornby Island Local Trust Committee meeting be held on September 11, 2020 with a start time of 10:00 am if it is an electronic meeting.

CARRIED

20. ADJOURNMENT

By general consent the meeting was adjourned at 5:19 pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Vicky Bockman, Recorder

Hornby Island
Local Trust Committee
Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 161 AND 162

Date: June 26, 2020
Time: 1:30 pm

Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Vicky Bockman, Recorder

Others Present: Approximately 32 members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 1:37 pm. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 161 and 162.

2. PROPOSED BYLAW NO. 161 (OCP) and PROPOSED BYLAW NO. 162 (LUB)

Regional Planning Manager Kauer explained that the purpose of proposed Bylaw Nos. 161 and 162, if adopted, is to update the current Hornby Island Official Community Plan and Land Use Bylaw to correct numerous typographical errors, outdated legislation titles, language and citations and minor number errors. She advised that the proposed Bylaws have not been referred to First Nations, Local Governments or agencies for comment as they are considered to be "housekeeping" bylaws; and one written submission has been received.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws. There were no requests from the public to speak.

4. **ADJOURNMENT**

Chair Fast asked three times for comments from the public and hearing none the Public Hearing was closed at 1:45 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

_____
Vicky Bockman, Recorder

Islands Trust

Print Date: September 1, 2020

Follow Up Action Report

Hornby Island

05-Apr-2019

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

24-May-2019

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

Follow Up Action Report

Hornby Island

13-Sep-2019

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

08-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff add a review of DPA 6 - RAR to the OCP/LUB Amendment project and amend the project charter for review at the next LTC meeting.	Sonja Zupanec	Target: 24-Jan-2020	Completed

24-Jan-2020

Activity	Responsibility	Dates	Status
1 LTC schedule a regular business meeting on September 11, 2020.	Wil Cottingham		Completed
2 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island. *Update: Planner hours delayed pending Provincial guidelines regarding COVID-19.*	Wil Cottingham		In Progress
3 Bylaw 160 (Meeting Procedures) amended (typo); given first, second, third readings and forward to Executive Committee for approval.	Becky McErlean Heather Kauer		Completed

Follow Up Action Report

Hornby Island

24-Jan-2020

	Activity	Responsibility	Dates	Status
4	BEN Bylaw No. 159 cited as "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 159, 2019" be adopted.	Becky McErlean Robert Barlow Warren Dingman		Completed
5	HO-DP-2019.4 (TUELE) issue Development Permit and waive requirement for BCLS signed survey.	Becky McErlean Bronwyn Sawyer		Completed
6	staff to schedule a Community Information Meeting and Public Hearing during the next regularly scheduled Local Trust Committee Meeting for Proposed Bylaw No. 161, and Proposed Bylaw No. 162 To be rescheduled due to COVID-19 and Public gatherings.	Becky McErlean Sonja Zupanec		Completed
7	Add to the Hornby webpage under "Resources" - Planner hours, Conservancy Profile, APC Resolution.	Sonja Zupanec		In Progress
8	Staff to bring forward the project charter for the OCP/LUB (Top Priority #1) amendment project for LTC review and discussion of recommendations for a revised project charter.	Heather Kauer		Completed
9	Staff to forward a referral to the Hornby APC requesting a review of the Schedule A Bylaw 159 (BEN Bylaw) and the fee structure. *Update: pending Provincial approval for APCs to meet electronically or public meeting guidelines relaxed related to COVID-19.*	Becky McErlean Penny Hawley Sonja Zupanec		Completed
10	LTC adopted the APC's recommended enforcement policy changes for short term vacation rentals as an LTC standing resolution.	Becky McErlean Penny Hawley		Completed

Follow Up Action Report

Hornby Island

01-May-2020

Activity	Responsibility	Dates	Status
1 Staff to report back to LTC on the costs of advertising business meetings in the Hornby Weekly Tribune.	Heather Kauer Wil Cottingham	Target: 26-Jun-2020	In Progress

STAFF REPORT

File No.: HO-DVP-2019.1
(Ref. No. HO-DP-2019.5)

DATE OF MEETING:	September 11, 2020
TO:	Hornby Island Local Trust Committee
FROM:	Jaime Dubyna, Planner 2 Northern Team
SUBJECT:	Development Variance Permit Application Applicant: Hornby Island Resort Ltd. (Jack Hornstein) Location: 4305 Shingle Spit Rd.; PID 028-882-075; LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2019.1 (Hornby Island Resort).**

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application HO-DVP-2019.1, which proposes variances to the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) in order to permit the siting of a proposed pub/restaurant within 0.0 metres of the interior side lot line and to construct four accessory buildings containing fifteen (15) visitor accommodation units that exceed the height regulations for accessory buildings and structures.

The LTC deferred consideration of the application at the June 26, 2020 LTC regular business meeting, to provide the applicant time to address concerns related to parking and commercial access, and for staff to confirm that K'ómoks First Nation had been consulted during the Site Inspection and Site Alteration Permit process.

The applicant has amended the parking layout, reduced the proposed height variances, and reduced the patio area attached to the proposed pub/restaurant to no long require a variance of the front lot line setback area.

The DVP application is accompanied by Development Permit (DP) application HO-DP-2019.5; which the LTC will be asked to consider following consideration of HO-DVP-2019.1. A separate staff report for HO-DP-2019.5 will follow.

Staff are recommending issuance of HO-DVP-2019.1.

BACKGROUND

The application was considered at the June 26, 2020 LTC regular business meeting:

HO-2020-026
It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer consideration of issuance of HO-DVP-2019.1 (Hornby Island Resort Ltd.) to the September 11, 2020 Local Trust Committee meeting, that staff confirm that K'ómoks First Nation has been consulted, and that the following be addressed:

- BC Ferries concerns regarding parking; and
- Ministry of Transportation and Infrastructure safety concerns.

CARRIED

The applicant has revised the application to address concerns raised regarding the proposed parking and commercial access, and to reduce the proposed variances.

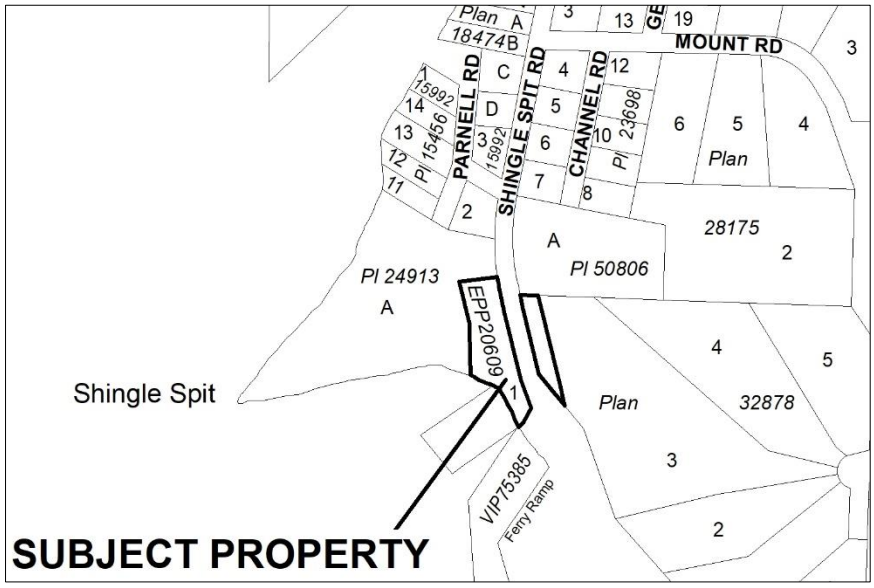


Figure 1. Subject property map.

A copy of the revised site plans are found in Attachment 1. The draft DVP and public notice are found in Attachment 2.

Staff have received letters of opposition at the time of completion of this report. Additional correspondence received will be presented to the LTC for their consideration at the September 11, 2020 LTC regular business meeting.

ANALYSIS

Policy/Regulatory

See the Staff Report (Attachment 1 – Site Context), dated June 26, 2020, for relevant policies in the Islands Trust Policy Statement (ITPS) and Hornby Island Official Community Plan (OCP) Bylaw No. 149.

Land Use Bylaw:

The subject property is zoned **Commercial 3 – Comprehensive Commercial (C3)** and **C3A** as shown in Schedule B in the LUB. The proposed development is consistent with the regulations of the LUB except for the following:

- ***3.4 (3)*** *Accessory buildings and structures must not exceed a height of 6.0 metres.*
- ***8.11(4)*** *The minimum setback for any building or structure, except for a fence or pump/utility house shall be*
  (c) *3.0 metres from an interior side lot line.*

Issues and Opportunities

Proposed Variances

A summary of the revised variances are as follows:

	LUB Regulation Requirement	Original Proposal	Revised Proposal
Height (Accessory Buildings and Structures)	6.0 m	Building B – 7.52 m Building C – 7.98 m Building D – 7.93 m Building E – 7.83 m	Building B – **6.56 m** Building C – **7.0 m** Building D – **6.96 m** Building E – **6.66 m**
Height (Buildings and Structures within 100 m from NB of sea)	7.0 m	Building B – 7.52 m Building C – 7.98 m Building D – 7.93 m Building E – 7.83 m	**Height now under 7.0 m – meets bylaw requirements; no variance required**
Setback (Interior Side Lot Line)	3.0 m	0.0 m	**0.0 m**
Setback (Front Lot Line)	6.0 m	2.5 m	**Meets bylaw requirements – no variance required**

The applicant has reduced the proposed heights of the four accessory buildings containing 15 visitor accommodation units, requiring a variance of Subsection 3.4(3) of the LUB only:

> ***3.4 (3)*** *Accessory buildings and structures must not exceed a height of 6.0 metres.*

The proposed height variances are intended as design elements to create varied and attractive roof lines. Given the location of the proposed accessory buildings downslope of neighbouring residential properties to the east, staff are of the opinion that the proposed increase in height will result in minimal visual impacts to neighbours. It is noted that the proposed accessory buildings may potentially impede scenic views of the ocean from the roadway; however, given the general topography of this area, it is likely ocean views would be impeded regardless.

As noted in the Staff Report dated June 26, 2020, the proposed siting of the pub/restaurant building is measured 0.0 metres from the interior side lot line, which also corresponds with the natural boundary of the sea. Despite Subsection 3.3(2) of the LUB, which requires a 15 metre setback from the natural boundary of the sea for buildings and structures, Subsection 8.11(5) of the LUB provides the following exemption in the C3 zone:

> ***8.11(5)*** *Despite 3.3(2) the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.*

While the zone-specific regulation in the C3 zone permits the pub/restaurant to be 0.0 metres from the natural boundary of the sea, the interior side lot line setback requirement in Subsection 8.11(4)(c) is a separate regulation that is applicable to buildings and structures in the C3 zone:

> ***8.11(4)*** *The minimum setback for any building or structure, except for a fence or pump/utility house shall be*
> ***(c)*** *3.0 metres from an interior side lot line.*

Staff consider the intent of the LUB is to be permissive toward siting a pub/restaurant adjacent to the natural boundary of the sea, and that consideration of the interior side lot line setback may have been an oversight in the C3 zone regulations.

Parking

Prior to the June 26, 2020 LTC meeting, a representative of BC Ferries expressed safety concerns related to the parking configuration at the front of the pub/restaurant. The applicant has since revised the proposed parking spaces at the front of the pub/restaurant to eliminate customers backing into the adjacent road access and right-of-way.

Staff have reviewed the revised parking configuration and consider it to meet the requirements of Part 5 – Parking Regulations in the LUB.

Staff have confirmed with Ministry of Transportation and Infrastructure (MoTI) staff that there is an existing Commercial Access Permit (2012-03569), with attached plan, issued to the property owner that authorizes:

> "**The installation, operation, and maintenance of four commercial accesses (2 accesses on the east side and 2 accesses on the west side) on Shingle Spit Road #77 to serve Lot 1, Section 4A, Plan EPP20609, Hornby Island, Nanaimo District in accordance with application for Hornby Island Resort Ltd. submitted by John Ross and dated April 2, 2012.**"

MoTI staff have confirmed that changes to the layout of the commercial access would require a new Commercial Access Permit. The applicant has been informed of this requirement.

BC Ferries staff have reviewed the updated parking plan and have noted that the updated parking plan appears to satisfy the Parking Regulations in the LUB. BC Ferries staff have indicated that the future Hornby Terminal Development Plan may require realigning and widening the road right of way for a dedicated holding lane adjacent to the subject property. Staff note that future discussions should occur between BC Ferries, MoTI and the property owner at the time of the Terminal Development Plan's initiation.

K'ómoks First Nation

In the LTC resolution HO-2020-026, the LTC requested that staff confirm whether K'ómoks First Nation had been consulted on the proposed development. The applicant has provided documentation that confirms that referrals to K'ómoks First Nation are sent to Nanwakolas Council Referrals Office. Staff note that Nanwakolas Council are listed in the referral distribution list attached to both the site inspection and site alteration permits issued by the BC Archaeology Branch.

The BC Archaeology Branch issued permits to the property owners on May 7, 2020. Staff are aware of recent correspondence from K'ómoks First Nation to the BC Archaeology Branch in regard to development activities that were conducted on the lot prior to engaging with professional archaeologists (and issuance of permits), and requesting that the (archaeology) permits be temporarily suspended until such time the property owner and hired professional archaeologists have discussed the proposal with the Nation. The applicant has been advised of this correspondence.

Consultation

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Hornby Island Development Procedures Bylaw No. 74, statutory notice of the proposed variance was distributed to neighbouring property owners and tenants within 100 metres of the subject property's boundary on August 26, 2020. The notification period will end on September 10, 2020.

Staff have received submissions in opposition of the proposal at the time of writing this report. Correspondence received prior to the June 26, 2020 meeting is posted on the Hornby Island Local Trust Area webpage under Current Applications.

All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the Hornby Island LTC. Correspondence may be sent to northinfo@islandstrust.bc.ca.

Rationale for Recommendation

The recommendations on Page 1 are supported as:

- The LUB is permissive to siting the pub/restaurant within 0.0 metres of the natural boundary of the sea;
- Impact on neighbouring properties as a result of the interior side lot line setback variance will be minimal;
- Impact on neighbouring properties as a result of the height variances will be minimal;
- Impact on scenic views as a result of the height variances will be minimal;
- Issuance of site inspection and site alteration permits are the authority of the BC Archaeology Branch, who take all comments from referral agencies and First Nations into consideration prior to determining whether to issue a permit. Staff note a site inspection and site alteration permit have been issued by the BC Archaeology Branch at this location.

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

ALTERNATIVES

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

1. **Deny the application**

   The LTC may deny the application. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee deny application HO-DVP-2019.1(Hornby Island Resort).

2. **Request further information**

   The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are further delay of the LTC decision and additional staff resources and time. 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 [specific information requested provided by LTC].

NEXT STEPS

If the LTC concurs with the staff recommendations, staff will issue Development Variance Permit HO-DVP-2019.1.

Submitted By:	Jaime Dubyna Planner 2	August 26, 2020

Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	August 31, 2020

ATTACHMENTS

1. Site Plan (revised)
2. Draft Development Variance Permit and Notice
3. Public Correspondence



A102

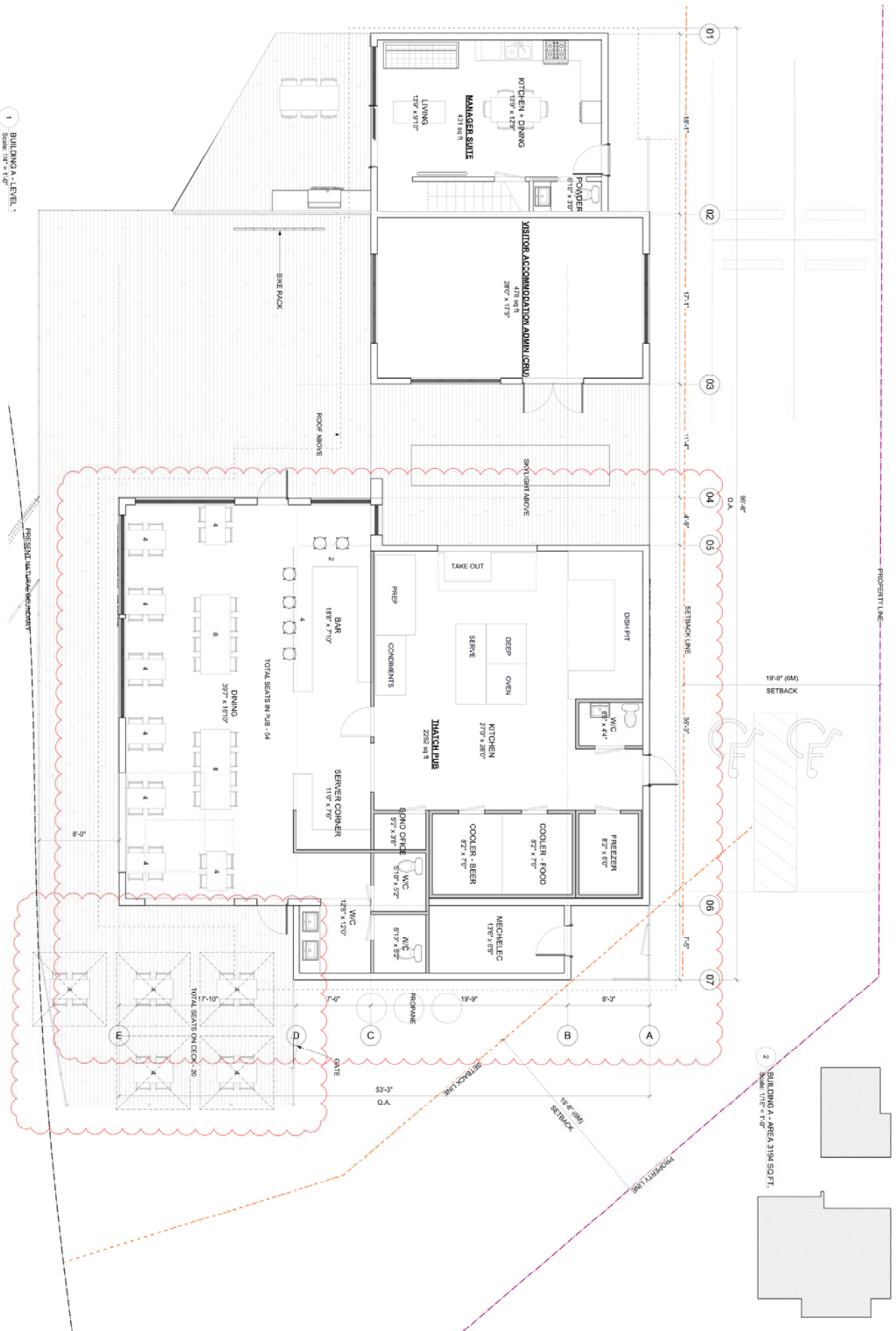
SITE PLAN

Thatch Pub Re-development

C	2020-07-23	Re-Issue for DP + DVP
B	2020-05-01	Re-Issue for DP + DVP
A	2020-03-11	Re-Issue for DP + DVP

REGISTERED ARCHITECT MARK GUSTAFSON BRITISH COLUMBIA CANADA 2020

MacDonald Hagarty Architect Ltd.
1922 Unit E Comox Ave
Comox BC
V9M 3M7



A201

LEVEL 1 PLAN

THATCH PUB

BUILDING A

D	2020-07-23	Re-Issue for DP + DVP
F	2020-05-01	Re-Issue for DP + DVP
E	2020-03-11	Re-Issue for DP + DVP

MacDonald Hagarty Architect Ltd.
1922 Unit E Comox Ave
Comox BC
V9M 3M7



1 BUILIDNG B.C.D - FRONT PERSPECTIVE
Scale: 1/4" = 1'-0"



3 BUILDING B.C.D - SOUTH ELEVATION
Scale: 1/4" = 1'-0"



2 BUILDING B.C.D - BACK PERSPECTIVE
Scale: 1/4" = 1'-0"



4 BUILDING B.C.D - NORTH ELEVATION
Scale: 1/4" = 1'-0"

1 BOARD AND BATTON - MOUNTAIN SAGE
2 PROLOK STANDING SEAM - BLACK
3 CORRUGATED CHARCOAL
4 HARDIE SHINGLE - IRON GRAY
5 HARDIE TRIM - BLACK
6 CEDAR SCREEN
7 GREEN ROOF
8 VINYL WINDOW - PAINTED BLACK

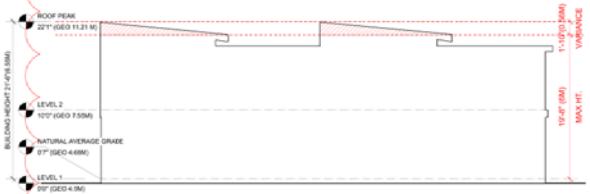
MacDonald Hagarty Architect Ltd.
1633 Lee Rd, Victoria, BC V9B 3A7

REGISTERED ARCHITECT
MARK OLIVER MACDONALD
2020-07-31
BRITISH COLUMBIA

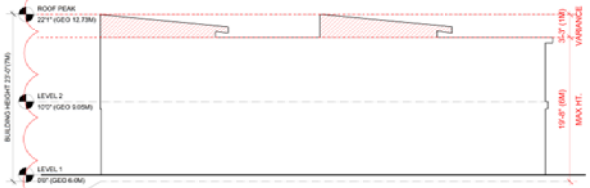
QUAD PLEX
BUILDING B,C,D

ELEVATIONS

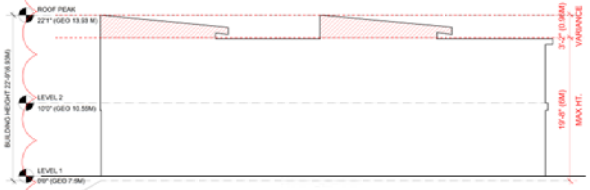
A303



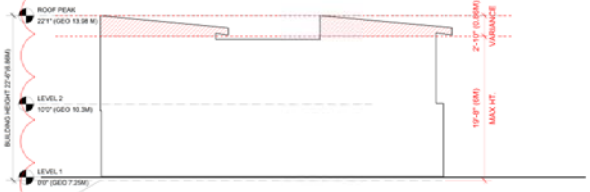
3 BUILDING B - HEIGHT VARIANCE
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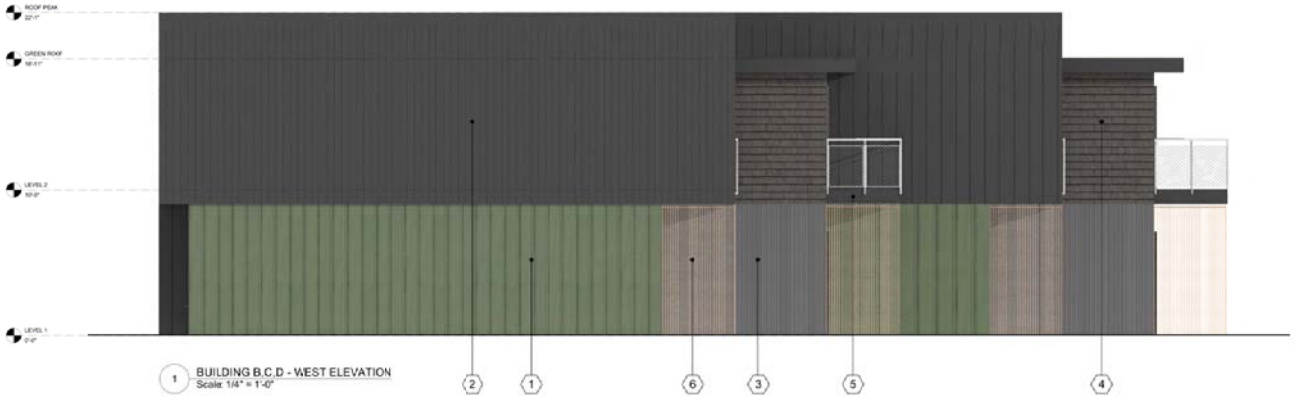
4 BUILDING C - HEIGHT VARIANCE
Scale: 1/8" = 1'-0"



5 BUILDING D - HEIGHT VARIANCE
Scale: 1/8" = 1'-0"



6 BUILDING E - HEIGHT VARIANCE
Scale: 1/8" = 1'-0"



1 BUILDING B,C,D - WEST ELEVATION
Scale: 1/4" = 1'-0"



2 BUILDING B,C,D - EAST ELEVATION
Scale: 1/4" = 1'-0"

1 BOARD AND BATTON - MOUNTAIN SAGE
2 PROLOK STANDING SEAM - BLACK
3 CORRUGATED CHARCOAL
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8 VINYL WINDOW - PAINTED BLACK

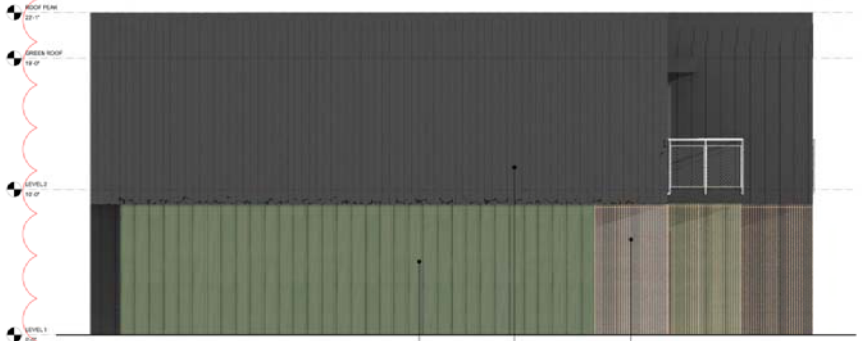
MacDonald Hagarty Architect Ltd.
1633 Lee Rd, Duncan, BC
V9L 3M7

REGISTERED ARCHITECT
MARCUS OLIVER MACDONALD
2020-07-31
BRITISH COLUMBIA

QUAD PLEX
BUILDING B,C,D

ELEVATIONS

A304



1 BUILDING E - EAST ELEVATION
Scale: 1/4" = 1'-0"



2 BUILDING E - SOUTH ELEVATION
Scale: 1/4" = 1'-0"



3 BUILDING E - WEST ELEVATION
Scale: 1/4" = 1'-0"



4 BUILDING E - NORTH ELEVATION
Scale: 1/4" = 1'-0"

1 BOARD AND BATTON - MOUNTAIN SAGE
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MacDonald Hagarty Architect Ltd.
1923 Level 2 Comox Ave
V9M 3M7

REGISTERED ARCHITECT
MARK OLIVER MACDONALD
2020-07-31
BRITISH COLUMBIA

TRI PLEX
BUILDING E

ELEVATIONS

A402

DRAFT

Islands Trust	**HORNBY ISLAND LOCAL TRUST COMMITTEE** **HO-DVP-2019.1** **DEVELOPMENT VARIANCE PERMIT**

TO: Hornby Island Resort Ltd., Inc.No. 0789283

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

   LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609
   PID: 028-882-075

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

   a) **PART 3 GENERAL REGULATIONS**, Section **3.4 Height Regulations,** Subsection **3.4(3)**: "Accessory buildings and structures must not exceed a height of 6.0 metres";

   - Is varied to increase the height of an accessory building or structure from 6.0 metres to 6.56 metres, as shown on Schedule "B" – Building B;
   - Is varied to increase the height of an accessory building or structure from 6.0 metres to 7.00 metres, as shown on Schedule "C" – Building C;
   - Is varied to increase the height of an accessory building or structure from 6.0 metres to 6.96 metres, as shown on Schedule "D" – Building D;
   - Is varied to increase the height of an accessory building or structure from 6.0 metres to 6.66 metres, as shown on Schedule "E" – Building E;

   b) **PART 8 ZONE REGULATIONS**, Section **8.11 Commercial 3 – Comprehensive Commercial (C3) Zone (*Hornby Island Resort – Thatch*),** Subsection **Siting and Size 8.11(4)** : "The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (c) 3.0 metres from an interior side lot line";

   - Is varied in order to reduce the interior side lot line setback from 3.0 metres to 0.0 metres for the siting of a pub/restaurant building, as shown in the Site Plan in Schedule "A".

   This Permit **replaces all previous Development Variance Permits for this property, namely: HO-DVP-1989.32; HO-DVP-1989.15; HO-DVP-1989-32; HO-DVP-1991-18; and HO-DVP-2012.2.**

3. All buildings and structures shall be consistent with Schedules "A", "B", "C", "D" and "E", which are attached to and form part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ___ DAY OF _____, 20__.

_____ _____

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

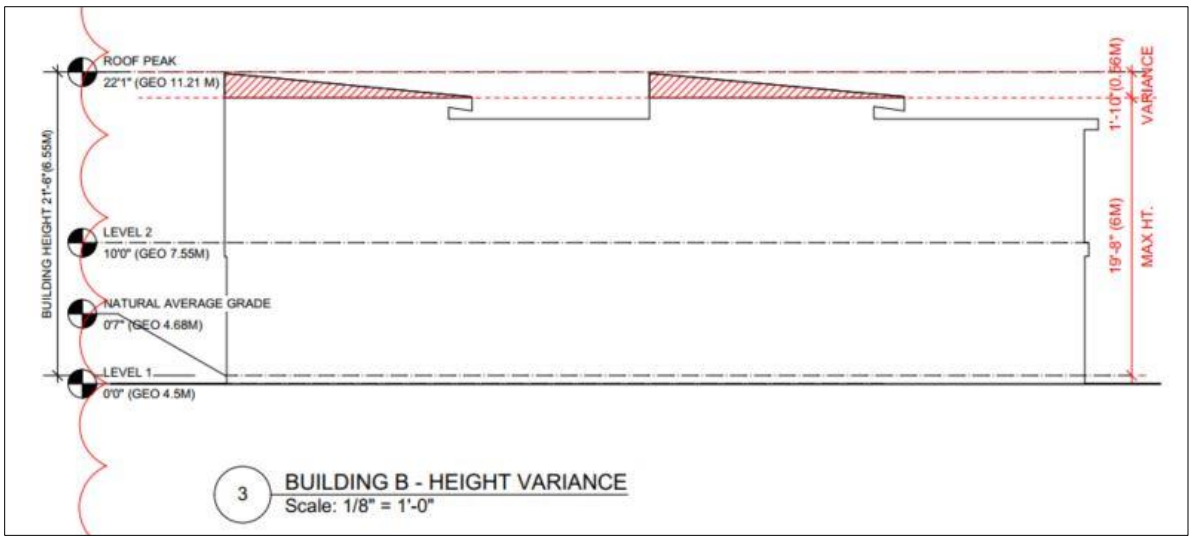
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A"
Site Plan



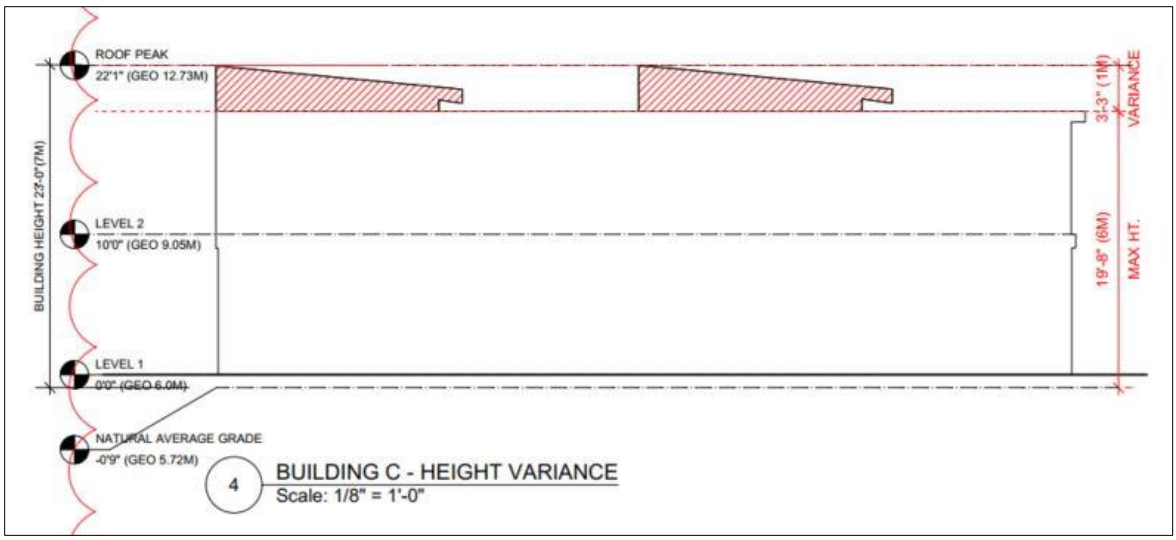
Schedule "B"
Elevation Plan – Building B





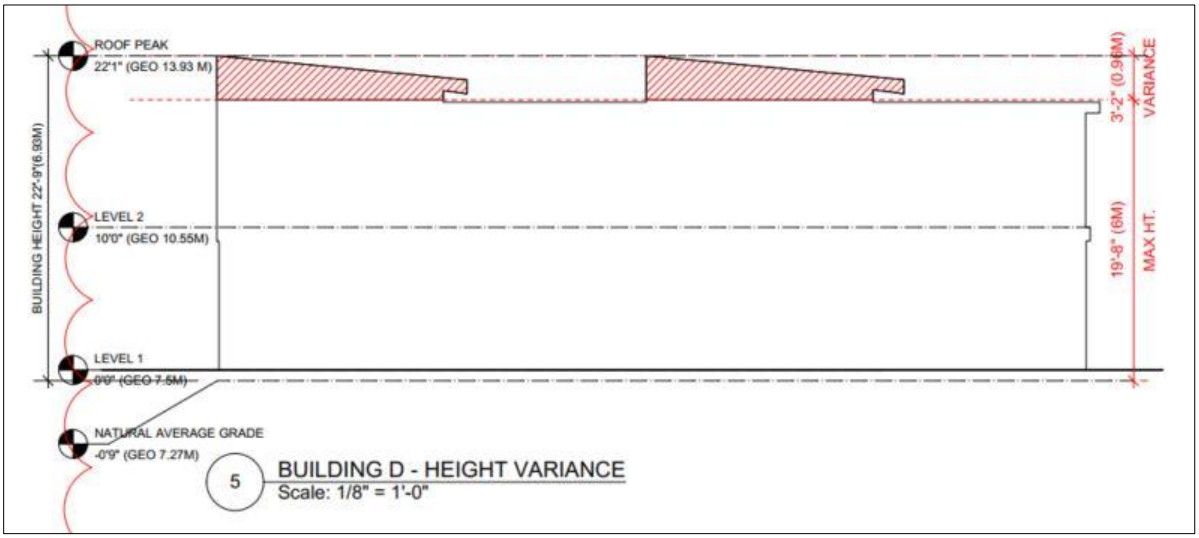
Schedule "C"
Elevation Plan – Building C





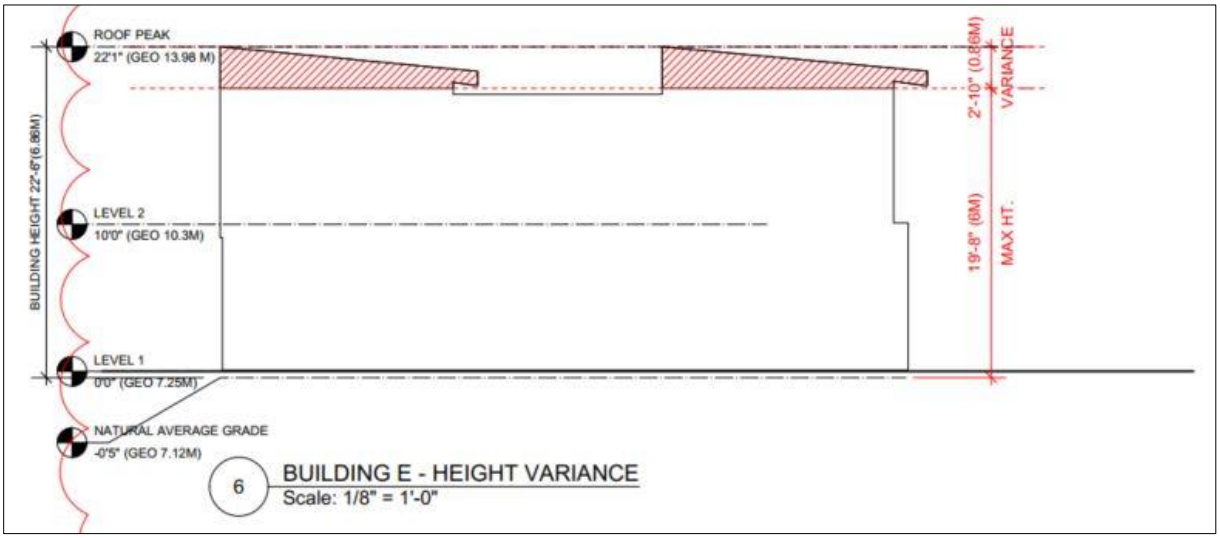
Schedule "D"
Elevation Plan – Building D





Schedule "E"
Elevation Plan – Building E





NOTICE

HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2019.1

(HORNBY ISLAND RESORT LTD.)

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 498 of the *Local Government Act*, varying a subsection of the Hornby Island Local Trust Committee Land Use Bylaw No. 150, 2014, as follows:

- **PART 3 GENERAL REGULATIONS, Section 3.4 Height Regulations, Subsection 3.4(3):** "Accessory buildings and structures must not exceed a height of 6.0 metres."

    - Is varied in order to increase the height of an accessory building or structure from 6.0 metres to:
        - 6.56 metres for proposed Building B (visitor accommodation units);
        - 7.00 metres for proposed Building C (visitor accommodation units);
        - 6.96 metres for proposed Building D (visitor accommodation units);
        - 6.66 metres for proposed Building E (visitor accommodation units).

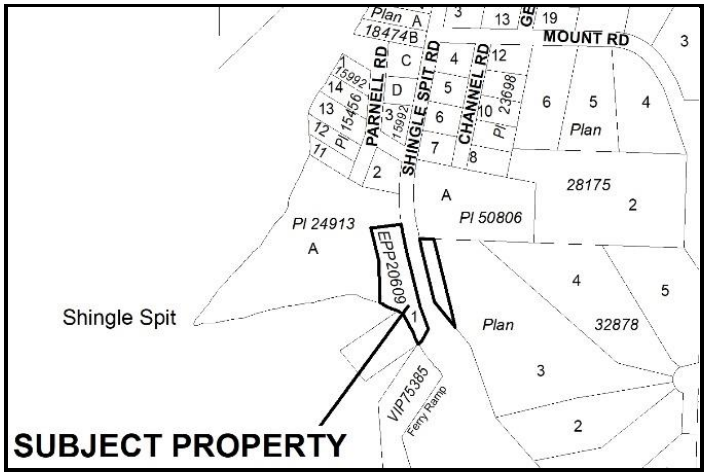
- **PART 8 ZONE REGULATIONS, Section 8. 11 Commercial 3 – Comprehensive Commercial (C3) Zone (*Hornby Island Resort – Thatch*), Subsection 8.11(4):** "The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (c) 3.0 metres from an interior side lot line".

    - In order to reduce the interior side lot line setback from 3.0 metres to a minimum of 0.0 metres for the pub/restaurant.

The property is legally described as:

PID: 028-882-075
LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609

The general location of the subject area is shown in the following sketch:



If you have any questions or comments regarding the proposed permit, please contact Jaime Dubyna, Planner 2, at 250-247-2212.

For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road,
Gabriola, BC V0R 1X3
Fax: **250-247-7514** or
Email: northinfo@islandstrust.bc.ca

A copy of the proposed permit may be inspected on the Islands Trust website http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications/, commencing **August 27, 2020** and continuing up to and including **September 10, 2020**. Also, attached for your convenience, is a copy of the proposed permit.

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed permit at its **Electronic Business Meeting** to be held at **10:00 am**, **Friday, September 11, 2020**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Hornby Island Local Trust Committee meeting, on September 11, 2020, the public may join the meeting by:

- **Calling: 855.703.8985 (Toll Free)**
- **Logging into: http://islandstrust.zoom/us/s/65102256219**

The **Webinar ID number is: 651 0225 6219**

Please refer to the posted agenda on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is placed on the agenda.

Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

From: Jan Bevan [redacted]

Sent: Tuesday, August 18, 2020 10:08 PM

To: northinfo

Subject: Comment on DVP-HO-2019.5

19 Aug 2020

This letter concerns DVP-HO-2019.5.

I am a Hornby Islander of more than fifty years residency. Commercial activities (pub, restaurant, stores, services, and accommodation) have been in existence near Shingle Spit for that entire time, and I am not opposed to commercial activity continuing at this site.

I am one of the many islanders who participated in developing Hornby Island's Official Community Plan and Land Use Bylaws. The Broad Community Objectives expressed in our current OCP include

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

"To minimize pollution of air and water.

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

The Water section of the OCP includes the following objectives:

4.5. (2) *to ensure that new demand for water does not stress the groundwater resource;* and

4.5. (3) *to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water*.

I understand that the present camping use is to be discontinued, but the same number of Resort visitors will now be housed in 15 urban-style time-share condominiums. Each unit is to have two bathrooms, a washing-machine, and a full kitchen with dishwasher. On a relatively small lot, which also has a pub / restaurant and other uses, this will clearly increase the usage of water and the waste-water load.

In my opinion, the urban-like condominium model, and the subsequent high water usage, are **not in agreement with the intent of the OCP's Broad Community Objectives**, **nor with the objectives 4.5 (2) and 4.5 (3)**.

Our current OCP, in Policy 6.5.2.1, states that commercial development on the island should be "*small-scale*", "*environmentally sensitive*" and "*low density*". I believe that **the proposed urban-style condominiums do not fit those criteria**.

Therefore I disagree with Staff's stated position that they "consider the DP application HO-DP-2019.5 to be consistent with the OCP policies in the CS/VA land use designation."

In the Commercial Centre Development Permit, it is stated that the objective is to "*ensure that the form and character of commercial development are compatible with the quiet rural atmosphere*" of Hornby Island, and to "*maintain the island's rural atmosphere*."

Development Permit Guideline 9.1(2) directs that "*The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces….*" Two key words here are "*low*" and "*small-scale*".

The proposal under consideration in this DVP is for four buildings which exceed the permitted height. The buildings will contain a total of 15 condominium units. This does not fit with my definitions of "*low*" (meaning "not high") and "*small-scale*" (meaning "of modest scope or extent").

I find it very surprising that in the Staff Report, the Trust Planners do not interpret the word "*low*" in its straight-forward meaning "not high". Instead, they hunt around for some other definition, apparently to support their position of "recommending issuance of the Development Permit", and to avoid the obvious conclusion that **this over-height proposal does not conform to the intent of the DVP guideline.**

I therefore strongly encourage the Hornby Island Local Trust Committee to deny this application, on the grounds that it does not adequately comply with

1) the Broad Community Guidelines of the OCP;

2) OCP policy 6.5.2.1;

3) OCP Water objectives 4.5 (2) and 4.5 (3); or

4) DVP Guideline 9.1(2).

Jan Bevan

Hornby Island, B.C., V0R 1Z0

From: Reina LeBaron

Sent: Wednesday, August 19, 2020 7:49 PM

To: northinfo

Cc: Grant Scott; Alex Allen

Subject: Input on DVP-HO-2019.5 Hornby Island

Aug 19, 2020

Re: Hornby Island Resort Development Variance Application DVP-HO-2019.5.

I was born on Hornby and have lived here for nearly five decades. Low-key commercial activities (pub, restaurant, stores, services, and accommodation) have always been part of the area near the Shingle Spit ferry landing, and although the scope and nature of those activities has changed over time, I am not opposed to some modest commercial activity continuing at this site.

Along with many other islanders, I participated in developing Hornby Island's current Official Community Plan and Land Use Bylaws and I do not believe that the proposed Hornby Is. Resort condominium development fits with Hornby's OCP and LUB.

The Broad Community Objectives expressed in our current OCP include:

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

"To minimize pollution of air and water.

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

The Water section of the OCP includes the following objectives:

4.5. (2) *to ensure that new demand for water does not stress the groundwater resource;* and

4.5. (3) *to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water*.

Currently the Resort has several camping sites which use minimal amounts of water and create minimal waste. Although the number of visitors who would be accommodated would be the

same, time-share condominiums are not equivalent to campsites. Each unit would have two bathrooms, a washing-machine, and a full kitchen. On a relatively small lot, which also has a pub and restaurant, this will clearly increase the water usage and resultant waste-water.

In my opinion, the urban-like condominium model, and the subsequent high water usage, are **not in agreement with the intent of the OCP's Broad Community Objectives**, **nor with the objectives 4.5 (2) and 4.5 (3)**.

Our current OCP, in Policy 6.5.2.1, also states that commercial development on the island should be "*small-scale*", "*environmentally sensitive*" and "*low density*". I believe that **the proposed condominium development does not fit those criteria**.

I was very surprised that the Islands Trust Staff considered "the DP application HO-DP-2019.5 to be consistent with the OCP policies in the CS/VA land use designation."

In the Commercial Centre Development Permit, it is stated that the objective is to "*ensure that the form and character of commercial development are compatible with the quiet rural atmosphere*" of Hornby Island, and to "*maintain the island's rural atmosphere*."

Development Permit Guideline 9.1(2) directs that "*The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces….*"

The proposed condominium development is for four buildings which exceed the permitted height containing a total of 15 condominium units. This is clearly not "*low*" (i.e. "not high") or "*small-scale*" (i.e. "of modest scope or extent").

This over-height proposal does not conform to the intent of the DVP guideline and would be a precedent-setting departure from the quiet rural atmosphere of Hornby Island, especially as its location is literally the first thing that people see upon arriving to the island.

I am strongly opposed to this development and request that the Hornby Island Local Trust Committee deny this application, on the grounds that it does not adequately comply with

1) the Broad Community Guidelines of the OCP;

2) OCP policy 6.5.2.1;

3) OCP Water objectives 4.5 (2) and 4.5 (3); or

4) DVP Guideline 9.1(2).

Sincerely,

Reina LeBaron

Hornby Island, B.C., V0R 1Z0

From: Sheila Macpherson
Sent: Friday, August 21, 2020 5:40 PM
To: northinfo
Subject: Hornby Island Resort current application

This letter was sent to the Trustees a couple of weeks ago, but I neglected to send a copy to your office:

August 8, 2020

to Alex Allen and Grant Scott, Trustees:

I've had another look at the on-line Hornby Island Resort application. It's a bit difficult to read the numbers on the drawings but Building B appears to be 12.2m tall. Building D looks like 15.2m tall. These numbers are a far cry from the allowable 7m (or 6m for accessory buildings). The discrepancy must have to do with the slope of the land and the mean average grade that the applicant is using as a base line.

Regardless, the variance in heights is excessive. As to the setback requirements, the adjustments requested are also excessive.

I urge you not to approve these applications. Send the architects back to the drawing board. Perhaps they can come up with something that looks a little less like a stack of shipping containers.

Thank you for your consideration,
Sheila Macpherson

From: Robear LeBaron

Sent: Saturday, August 22, 2020 10:22 PM

To: northinfo

Subject: Objection Hornby Resort D.V.P. HO-2019.5

To: Islands Trust, concerning D.V.P. HO-2019.5

From: Robert LeBaron,

4590 Northwind Trail,

Hornby Island V0R 1Z0

20 August 2020

Trustees:

I was one of the people who participated in the public process to create Hornby Island's O. C. P.

Most islanders were very concerned to keep our island low-key and rural, and to avoid big development. That is why we wrote into the Plan such phrases as "preserve the rural character of the Island" and "reduce stresses …generated by increased seasonal use". In the Broad Community Objectives, we wanted human activities to be " in keeping with the rural scale of land use".

In the Visitor and Tourism section of the Plan (6.5.2), we particularly noted how "the greatest demand for water is generated at the time of declining groundwater availability". We said that visitor accommodation should be "environmentally sensitive, small-scale and low density". We specifically stated that "convention centres", "multi-room hotels" and "destination resorts" should not be permitted (6.5.2.1 and 6.5.2.2).

In the Water section (4.5) we expressed concern about salt-water intrusion and contamination of wells. We stated that we wanted to "ensure that new demand for water does not stress the groundwater resource" nor "lead to degradation of the current supply of fresh water."

When we were creating the Plan back in 2013, we did not anticipate the future threat of high water-use demands from urban-style time-share condominiums. This is what is being proposed in this DVP application: Fifteen time-share condominiums, each with two bathrooms, laundry machine, and full kitchen with dishwasher, all on a lot less than two acres, along with a restaurant and pub!

This development proposal is entirely inappropriate for Hornby Island. It is NOT ALIGNED WITH THE VALUES WE ISLANDERS EXPRESSED IN HORNBY'S O.C.P.

Guideline 9.1 (2) of the Development Permit directs that "the form of the development should incorporate low, small-scale building designs". Since the application is specifically asking for height variant, to be taller than normal, it is clearly NOT "low". Since it involves 15 heavy-water-use units packed into a small lot, it is also NOT "small-scale".

I want you to know that I am more than concerned. I am appalled that the Trust would be asked to approve this entirely inappropriate development. Further, I am shocked that "Staff" consider the application to be "consistent" with the O.C.P. and recommend that it be approved.

Please record that I am strongly opposed to the size, scope, proposed height, and high resource use of this proposed development. I strongly request that the Hornby island Trustees DENY the application on the grounds of being not consistent with the values and intentions expressed in the O.C.P., nor with the D.V.P. guidelines.

Very sincerely,

Robert LeBaron, a resident since 1968

From: Jan Kennedy [redacted]

Sent: Wednesday, August 26, 2020 3:46 PM

To: northinfo; Grant Scott; Alex Allen

Subject: Input on DVP-HO-2019.5 Hornby Island

Aug 25, 2020

Re: Hornby Island Resort Development Variance Application DVP-HO-2019.5.

We write as a grassroots Hornby Island organization, existing to help build respectful, transparent and collaborative community engagement around subjects that effect the Hornby Island community. We support a managed tourism economy, with demonstrated care for our island infrastructure, environmental stewardship and community values.

Low-key commercial activities (pub, restaurant, stores, services, and accommodation) have always been part of the area near the Shingle Spit ferry landing, and although the scope and nature of those activities has changed over time, we are not opposed to some modest commercial activity continuing at this site.

We support Hornby Island's current Official Community Plan and Land Use Bylaws , which were developed by Hornby Islanders. We do not believe that the proposed Hornby Is. Resort condominium development fits with Hornby's OCP and LUB.

The Broad Community Objectives expressed in our current OCP include:

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

"To minimize pollution of air and water.

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

The Water section of the OCP includes the following objectives:

4.5. (2) *to ensure that new demand for water does not stress the groundwater resource;* and

4.5. (3) *to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water*.

Currently the Resort has several camping sites which use minimal amounts of water and create minimal waste. Although the number of visitors who would be accommodated would be the same, time-share condominiums are not equivalent to campsites. Each unit would have two bathrooms, a washing-machine, and a full kitchen. On a relatively small lot, which also has a pub and restaurant, this will clearly increase the water usage and resultant waste-water.

In my opinion, the urban-like condominium model, and the subsequent high water usage, are **not in agreement with the intent of the OCP's Broad Community Objectives**, **nor with the objectives 4.5 (2) and 4.5 (3)**.

Our current OCP, in Policy 6.5.2.1, also states that commercial development on the island should be "*small-scale*", "*environmentally sensitive*" and "*low density*". I believe that **the proposed condominium development does not fit those criteria**.

I was very surprised that the Islands Trust Staff considered "the DP application HO-DP-2019.5 to be consistent with the OCP policies in the CS/VA land use designation."

In the Commercial Centre Development Permit, it is stated that the objective is to "*ensure that the form and character of commercial development are compatible with the quiet rural atmosphere*" of Hornby Island, and to "*maintain the island's rural atmosphere*."

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The proposed condominium development is for four buildings which exceed the permitted height containing a total of 15 condominium units. This is clearly not "*low*" (i.e. "not high") or "*small-scale*" (i.e. "of modest scope or extent").

This over-height proposal does not conform to the intent of the DVP guideline and would be a precedent-setting departure from the quiet rural atmosphere of Hornby Island, especially as its location is literally the first thing that people see upon arriving to the island.

I am strongly opposed to this development and request that the Hornby Island Local Trust Committee deny this application, on the grounds that it does not adequately comply with

1) the Broad Community Guidelines of the OCP;

2) OCP policy 6.5.2.1;

3) OCP Water objectives 4.5 (2) and 4.5 (3); or

4) DVP Guideline 9.1(2).

Sincerely,

Jan Kennedy, Mary McKenzie, Jo Ovitsland for Hornby Island Resilience Initiative
resiliencehornby@gmail.com

From: Jan Kennedy [redacted]

Sent: Wednesday, August 26, 2020 11:49 AM

To: northinfo; Grant Scott; Alex Allen

Subject: Input on DVP-HO-2019.5 Hornby Island x

Aug 25, 2020

Re: Hornby Island Resort Development Variance Application DVP-HO-2019.5.

I arrived on Hornby Island in the beginning days of 1980 and became a full time resident , 40 years ago. I worked in a number of cafes and restaurants here, untill I bought a cafe in the Ringside Market, which I subsequently ran, as owner/operator, for 27 consecutive years.

Low-key commercial activities (pub, restaurant, stores, services, and accommodation) have always been part of the area near the Shingle Spit ferry landing, and although the scope and nature of those activities has changed over time, I am not opposed to some modest commercial activity continuing at this site.

I support Hornby Island's current Official Community Plan and Land Use Bylaws , which were developed by Hornby Islanders. I do not believe that the proposed Hornby Is. Resort condominium development fits with Hornby's OCP and LUB.

The Broad Community Objectives expressed in our current OCP include:

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

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Our current OCP, in Policy 6.5.2.1, also states that commercial development on the island should be "*small-scale*", "*environmentally sensitive*" and "*low density*". I believe that **the proposed condominium development does not fit those criteria**.

I was very surprised that the Islands Trust Staff considered "the DP application HO-DP-2019.5 to be consistent with the OCP policies in the CS/VA land use designation."

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The proposed condominium development is for four buildings which exceed the permitted height containing a total of 15 condominium units. This is clearly not "*low*" (i.e. "not high") or "*small-scale*" (i.e. "of modest scope or extent").

This over-height proposal does not conform to the intent of the DVP guideline and would be a precedent-setting departure from the quiet rural atmosphere of Hornby Island, especially as its location is literally the first thing that people see upon arriving to the island.

I am strongly opposed to this development and request that the Hornby Island Local Trust Committee deny this application, on the grounds that it does not adequately comply with

1) the Broad Community Guidelines of the OCP;

2) OCP policy 6.5.2.1;

3) OCP Water objectives 4.5 (2) and 4.5 (3); or

4) DVP Guideline 9.1(2).

Sincerely,

Jan Kennedy

[redacted]

Hornby Island, B.C., V0R 1Z0

HORNBY ISLAND RESORT LTD.

PETITION

I SUPPORT THE REDEVELOPMENT OF THE THATCH PUB AND VACATION UNITS

PRINT NAME	ADDRESS
DOUG NIKKEL	[redacted]
SANDY WALDORF	
Mark Kelly	
Karen Ross	
CHRIS WEINKAUFF	
KARIN RISTAU	
RYAN HEYNEMAN	
Remi Savoie	
RON DESOUAD	
Helen Laborte	
Michel Laborte	
OWEN CARNEY	
Anne Carney	
CHRIS PEDERSEN	
JASON WATFORD	
Kennia Enksen	
ELAINE CONNOLLY	
Isofin Sheehy	
JOHN STRUTHERS	
[illegible]	
Cindy VanVliet	
Joy Emerson	

HORNBY ISLAND RESORT LTD.

PETITION

I SUPPORT THE REDEVELOPMENT OF THE THATCH PUB AND VACATION UNITS

PRINT NAME	[redacted]
GLEN HADDEN	
RONALDO CRUZ	
Bev Dalziel	
MEL DALZIEL	
Jeanette Rist	
Annie Rist	
Rob Christie	
Bibian Hill	
Mary	
Jean Miserendino	

HORNBY ISLAND RESORT LTD.

PETITION

I SUPPORT THE REDEVELOPMENT OF THE THATCH PUB AND VACATION UNITS

PRINT NAME	SIGNATURE	ADDRESS
DON NIXON	[redacted]	
JOHN EMERSON		
RON EMERSON		

STAFF REPORT

File No.: HO-DP-2019.5
(Ref. No. HO-DVP-2019.1)

DATE OF MEETING:	September 11, 2020
TO:	Hornby Island Local Trust Committee
FROM:	Jaime Dubyna, Planner 2 Northern Team
SUBJECT:	Development Permit Area Application Applicant: Hornby Island Resort Ltd. (Jack Hornstein) Location: 4305 Shingle Spit Rd.; PID 028-882-075; LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.5 (Hornby Island Resort).**

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Permit (DP) application HO-DP-2019.5 to authorize the demolition of existing buildings and the construction of the following new buildings: a pub/restaurant with attached office and accessory residential dwelling unit, and fifteen (15) visitor accommodation units in four accessory buildings, which are located within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA).

The LTC deferred consideration of the application at the June 26, 2020 LTC regular business meeting, alongside application HO-DVP-2019.1, to request the applicant submit a water plan including a water license application number by a professional engineer or a professional geoscientist.

Pursuant to Section 9.1 of the LUB, a development permit is required to be issued by the LTC prior to any development occurring within the Commercial Centres DPA.

Staff are recommending issuance of the Development Permit HO-DP-2019.5.

BACKGROUND

The application was considered at the June 26, 2020 LTC regular business meeting:

> **HO-2020-027**
>
> **It was MOVED and SECONDED,**
>
> that the Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort Ltd.) to the September 11, 2020 Local Trust Committee meeting and that the applicant be requested to submit to the Islands Trust a water plan including a water licence application number by a professional engineer or a professional geoscientist.
>
> **CARRIED**

The application has been revised to reduce the height of the proposed accessory buildings to 7.0 metres and under, to reconfigure the parking spaces at the front of the pub/restaurant to address concerns raised by BC Ferries and the Ministry of Transportation and Infrastructure (MoTI), and to eliminate the need for a front lot line setback variance.

The applicant has submitted to staff a copy of an "Existing Use Groundwater" application (tracking number 100323208), as requested by the LTC. At the time of this report, the applicant has not submitted a copy of a water plan as requested by the LTC; however the applicant informed staff they would be submitting this information prior to the September 11, 2020 LTC meeting to be added as late items. Staff note that issuance of a development permit is dependent upon a DPA application being consistent with applicable DPA guidelines.

A copy of the draft Development Permit is found in Attachment 1.

ANALYSIS

Policy/Regulatory

See the Staff Report, dated June 26, 2020, for relevant policies and regulations.

Issues and Opportunities

Development Permit Area

Pursuant to Section 488 of the *Local Government Act* (LGA), local governments may designate development permit areas (DPA) within an official community plan for the following purposes:

488 *(1) An official community plan may designate development permit areas for one or more of the following purposes:*

(a) protection of the natural environment, its ecosystems and biological diversity;
(b) protection of development from hazardous conditions;
(c) protection of farming;
(d) revitalization of an area in which a commercial use is permitted;
(e) establishment of objectives for the form and character of intensive residential development;
(f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
(g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
(h) establishment of objectives to promote energy conservation;
(i) establishment of objectives to promote water conservation;
(j) establishment of objectives to promote the reduction of greenhouse gas emissions.

It is noted that Schedule E of the Hornby Island Official Community Plan (OCP) No. 149, designates the subject property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA). Section 6.9.1 of the OCP states the purpose of the Commercial Centres DPA is to, "*identify and apply objectives and guidelines for the* ***form and character of the commercial development*** *permitted on the parcels in this area.*"

Pursuant to Section 490(2) of the LGA, a local government may, by resolution, issue a development permit in accordance with the applicable DPA guidelines in the official community plan or zoning bylaw:

490 *(2) The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.*

The applicable DPA guidelines for the Commercial Centres DPA are found in Section 9.1 of the Hornby Island Land Use Bylaw No. 150 (LUB). Staff's review of the Commercial Centres DPA guidelines are found in Attachment 3.

A Development Permit may be denied only if the LTC determines that the proposed development is inconsistent with one or more of the DPA guidelines. Pursuant to Section 490(5) of the LGA, should the LTC consider the proposed development to be inconsistent with the applicable DPA guidelines found in Section 9.1 of the LUB and not issue the development permit, the property owner is entitled to have the LTC reconsider the matter:

490 *(5) If a local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.*

Staff consider the proposed development to meet the guidelines in Section 9.1 of the LUB. While Guideline 9.1(2) requires the form of development to be "low" and "small-scale", it was noted in the previous Staff Report, dated June 26, 2020, that no definition exists for either term in the OCP or LUB. Therefore staff have considered these terms in relation to their use elsewhere in the OCP. "Low" is used throughout the OCP in reference to "low density" and "low impact" development. "Small scale" is used in reference to commercial operations being operated by local merchants; low density and environmentally sensitive visitor accommodation; water use; farming operations to serve local needs; bed and breakfasts; and renewable energy sources. Staff note that while the number of uses and buildings may be perceived as the opposite of "low density", "low impact" or "small scale", staff reiterate that all of the proposed uses and buildings are permitted within the Commercial 3 (C3) zone-specific regulations found in Section 8.11 of the LUB. In response to concerns raised previously regarding the proposed heights of the accessory buildings, the applicant has reduced the proposed heights to 7.0 metres and under, whereas previously the heights were proposed to be over 7.0 metres.

Should the LTC consider this application to not meet the applicable DPA guidelines found in Section 9.1 of the LUB, the LTC should advise the applicant of the guidelines they consider not met, and the applicant may amend their application for reconsideration.

Staff note that while there are concerns related to the intensity of water use in this area, and in relation to the proposed uses and buildings of this application, the DPA guidelines found in Section 9.1 of the LUB do not require submission of a water plan or water authorization. Further, staff note that the objective of the Commercial Centres DPA is to guide the form and character of commercial development.

Staff recommend that the LTC consider including designation of a new "water conservation" DPA as part of a future LTC project, to address concerns over water shortages and water sustainability on Hornby Island. As noted, in accordance with Section 488 of the LGA, the LTC can designate a DPA for the purpose of establishing objectives to promote water conservation.

Consultation

A community information meeting and/or public consultation and notification is not required under the LGA for Development Permit applications.

Rationale for Recommendation

Staff consider the application to be consistent with DPA guidelines and permitted land uses, therefore Staff recommend approval of Development Permit HO-DP-2019.5.

ALTERNATIVES

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

1. **Deny the application**

   A Development Permit may be denied only if the LTC determines that the proposed development is inconsistent with one or more of the DPA guidelines. If choosing this alternative, the applicant is entitled to have the local government reconsider the matter. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee deny application HO-DP-2019.5 (Hornby Island Resort) for the following reasons [insert reasons].

2. **Amend permit, should the LTC not approve HO-DVP-2019.1**

   Were the LTC to not approve some of or all of the proposed variances of HO-DVP-2019.1, the LTC may amend HO-DP-2019.5. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee issue Development Permit GM-DP-2019.5 (Hornby Island Resort), as amended.

NEXT STEPS

If the LTC concurs with the staff recommendation, staff will issue Development Permit HO-DP-2019.5 as well as the Siting and Use Permit HO-SUP-2020.6 for the proposed development.

Submitted By:	Jaime Dubyna Planner 2	August 27, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	August 31, 2020

ATTACHMENTS

1. Draft Development Permit
2. DPA Guidelines

Islands Trust	**HORNBY ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT PERMIT - HO-DP-2019.5** **(HORNBY ISLAND RESORT)**

TO: HORNBY ISLAND RESORT LTD.

1. This Development Permit (the "Permit") applies to the land described below:

LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609
PID 028-882-075

2. Whereas the subject property lies within an area designated as Commercial Centres (Retail and Visitor Accommodations) Development Permit Area, the purpose of which is to establish objectives for the form and character of commercial development, on Schedule E of the Hornby Island Official Community Plan No. 149, 2014; this Development Permit authorizes **the demolition of the existing commercial building and existing cabins, and new construction of a commercial pub/restaurant building and attached accessory dwelling unit and office/retail space, and four accessory building containing fifteen visitor accommodation units** with the following conditions:

2.1 General

i. Construction of the buildings are to be substantially in accordance with the site plan and building plan prepared by MacDonald Hagarty Architects, revised on July 31, 2020, attached to and forming part of this Permit as Schedules B through D2:

Schedule "B" – Site Plan
Schedule "C1" – Building Plan (Pub/Restaurant)
Schedule "C2" – Building Plan (Pub/Restaurant)
Schedule "D1" – Building Plan (Buildings B, C, D)
Schedule "D2" – Building Plan (Building E).

2.2 Design Elements

i. The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
ii. The form of the development shall incorporate amenities such as public walkways and outdoor open spaces for use by the public, and include sufficient services.
iii. All buildings shall be finished in natural products such as wood or brick.
iv. Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
v. Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

2.3 Signage

i. Neon or internally lit signs shall not be permitted.
ii. Signs must not exceed the total combined sign area of the requirements of Section 4.6 of the Hornby Island Land Use Bylaw No. 150, 2014.

2.4 Parking

i. Off-street vehicle parking, maneuvering aisles and driveways are to be substantially in accordance with Schedule "B" – Site Plan and Schedule "C1" – Building Plan (Pub/Restaurant).

2.5 Lighting

i. Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
ii. Lighting must not shine directly on adjacent properties or on the adjacent roadway.

2.6 Landscaping and Screening

i. Natural vegetation and trees are to be planted and maintained in accordance with the landscape plan prepared by Bloom Landscape Architecture, dated November 1, 2019, attached to and forming part of this Permit as Schedule "E" – Landscape Plan.

3. This Permit **replaces all previous Development Permits for this property, namely HO-DP-2018.2 and HO-DP-2011.1,** and is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

   Schedule "A" – Site Plan
   Schedule "B" – Building Plan (Pub/Restaurant)
   Schedule "B2" – Building Plan (Pub/Restaurant)
   Schedule "C1" – Building Plan (Buildings B, C, D)
   Schedule "C2" – Building Plan (Building E)
   Schedule "D" – Landscape Plan"

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

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

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ___ DAY OF ____, 20__.

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

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

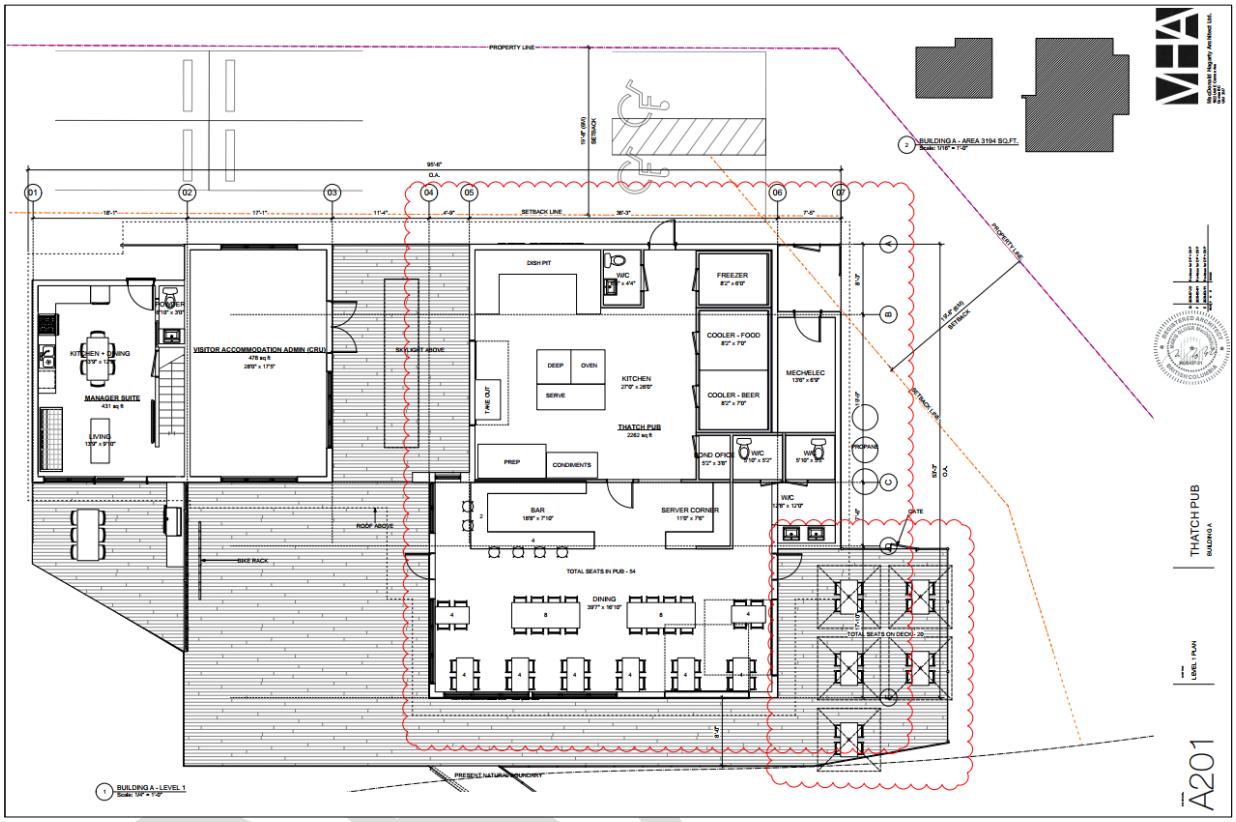
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Schedule "A"
Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Schedule "B1"
Building Plan (Pub/Restaurant)



Schedule "B2"
Building Plan (Pub/Restaurant)





Schedule "C1"
Building Plans (Buildings B, C, D)

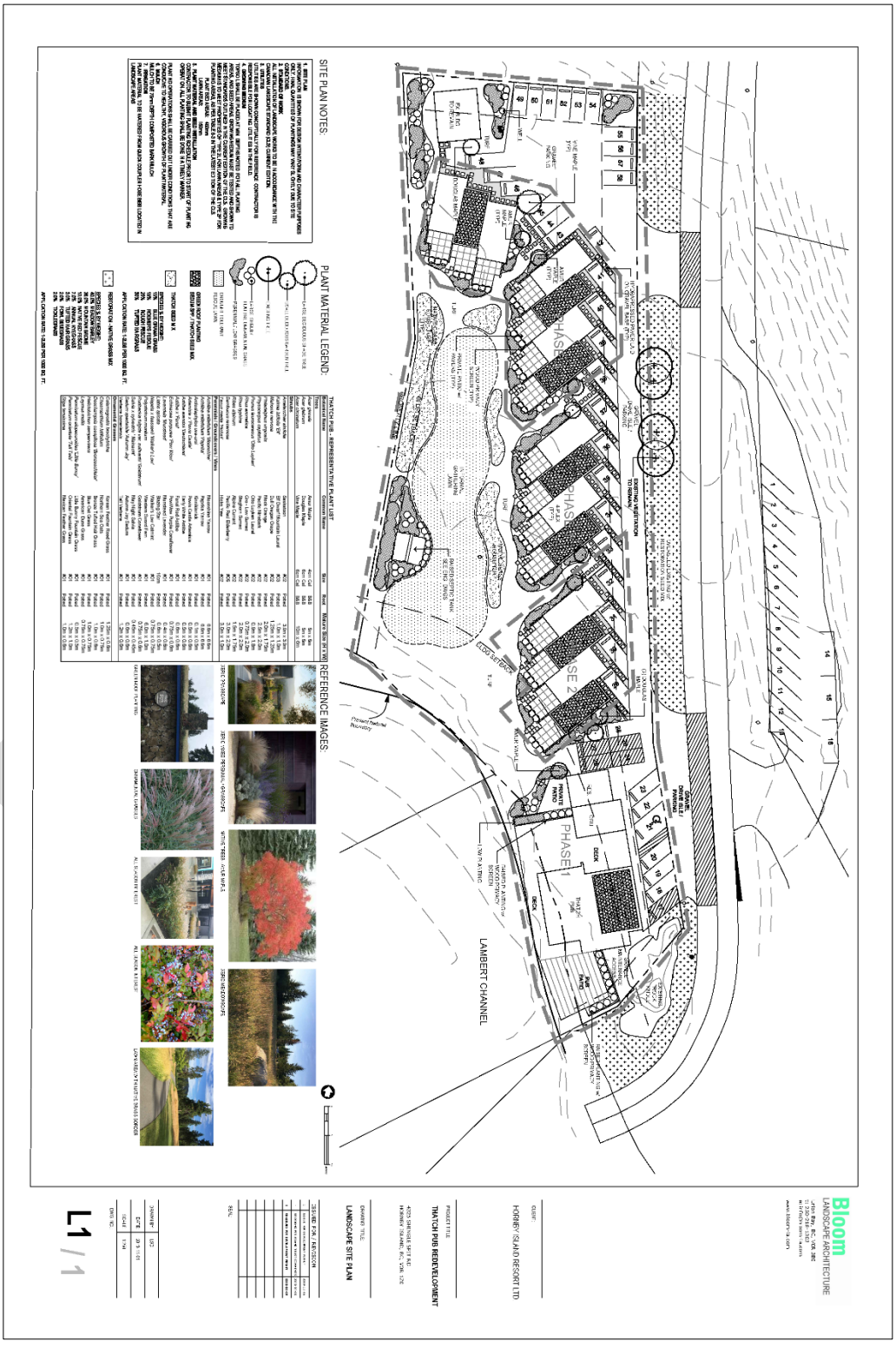


Schedule "C2"
Building Plans (Building E)



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Schedule "D"
Landscaping Plan



ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES HO-DP-2019.5

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit.

COMMERCIAL CENTRES (RETAIL AND VISITOR ACCOMMODATIONS) DEVELOPMENT PERMIT AREA

Guideline	Complies	Planner Comments
(1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.	Yes	Proposing a mix of vertical board and batten (green) and corrugated charcoal siding. Proposing a green roof on the pub/restaurant, and on 7 of the visitor accommodation units. Native landscaping and greenspace proposed throughout the property as indicated on the landscape plan.
(2) The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.	*See comments*	Application is accompanied by a Development Variance Permit application that proposes to increase the height of the visitor accommodation unit buildings by 0.56, 1.0, 0.96 and 0.66 metres. Site plan indicates an open area to the rear of the lot, identified as "informal gathering lawn", and an attached deck for outdoor seating adjacent to the proposed pub/restaurant.
(3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.	Yes	Application proposes to retain existing trees and vegetation along the road right-of-way. Proposal includes plantings of large and small deciduous trees, shrubs, ornamental grasses, perennials and low grasses, throughout the site. Limited screening from road proposed. Applicant has informed staff that MoTI is not in favour of landscaping along the road right-of-way, as this area may be necessary for a future expansion and alteration of the road right of way to accommodate a holding lane for the BC Ferries Terminal.
(4) In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.	Yes	No external lighting proposed. This is also a requirement of the covenant CA209177.
(5) Off-street automobile parking should be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.	Yes	Staff have calculated that a total of 56 parking spaces are required by the Land Use Bylaw. The application proposes up to 58 parking spaces in total. The application proposes a limited combination of landscaping and fencing along Shingle Spit Road to screen parking, which is located to the front of the subject property. Applicant has informed staff that

		MoTI is not in favour of landscaping along the road right-of-way, as this area may be necessary for a future expansion and alteration of the road right of way to accommodate a holding lane for the BC Ferries Terminal.
(6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.	Yes	The building plan shows two washroom facilities located in the pub/restaurant building.
(7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.	Yes	The pub/restaurant and office space are within the same building, connected by a roof and an approx. 6.3 m walkway. Visitor accommodation units are clustered as triplex and four plex buildings.
(8) A landscape plan incorporating natural landscaping should be required.	Yes	Landscape plan prepared by Bloom Landscape Architecture has been submitted and will form part of the Development Permit. Landscape plan indicates proposed natural landscaping throughout the site.
(9) Neon or internally lit signs should not be permitted.	Yes	Not proposed.
(10) All buildings should be finished in natural products such as wood or brick.	Yes	Application proposes a mix of wood and corrugated charcoal.
(11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.	Yes	Application proposes the following sequence: • Removal of the existing pub/restaurant, • Phase 1 – construction of the pub/restaurant and attached accessory dwelling unit and office; and construction of Building 'C' (four visitor accommodation units); • Phase 2 – construction of Building 'B' (four visitor accommodation units); • Phase 3 – construction of Building 'D' and 'E' (seven visitor accommodation units).
(12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.	Yes	No stairs or steep grades proposed. Two accessible parking spaces are located adjacent to the front entrance of the pub/restaurant.

STAFF REPORT

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

DATE OF MEETING:	September 11, 2020
TO:	Hornby Island Local Trust Committee
FROM:	Courtney Simpson, Planner Northern Team
SUBJECT:	Official Community Plan and Land Use Bylaw Amendments to Allow for a Two-Lot Subdivision Applicant: David Wiseman Location: 5020 Fowler Road (PID 028-737-245)

RECOMMENDATION

1. **That Hornby Island Local Trust Committee Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020", be read a second time.**

2. **That Hornby Island Local Trust Committee Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020", be read a second time.**

3. **That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".**

4. **That the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020" are not contrary to or at variance with the Islands Trust Policy Statement.**

REPORT SUMMARY

The proposed Bylaws amend the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) to facilitate a two-lot subdivision at 5020 Fowler Road. The amendment bylaws received first reading on June 26, 2020.

This report provides further analysis of the Amendment Bylaws' compliance with the Islands Trust Policy Statement related to the wetland sensitive ecosystem mapped on the subject property. Second reading of the proposed Bylaws and scheduling a community information meeting and public hearing is recommended.

BACKGROUND

Proposed Bylaw No. 164 amends the OCP by redesignating the subject property from **Rural Residential (RR)** to **Small Lot Residential (SR).** Proposed Bylaw No. 165 amends the LUB by rezoning the subject property from **Residential 2 – Large Lot (R2)** to **Residential 1 – Small Lot (R1)** and increasing the **Subdivision Lot Area Requirements** of the subject lot from 1.0 hectare to 1.9 hectares with a site specific regulation text amendment. The descriptive title of the **Residential 1** zone "Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot" is deleted so that adding the subject property to this zone does not create an inconsistency with the title.

On June 26, 2020 the proposed Bylaws Nos 164 and 165 were given first reading and the Local Trust Committee (LTC) directed referrals to be sent to the Comox Valley Regional District, the Islands Trust Freshwater Specialist, and School District 71. The Islands Trust Freshwater Specialist was requested to do a site visit to assess the potential impact of the rezoning on the mapped sensitive ecosystem through the following resolution:

> **HO-2020-032**
> **It was MOVED and SECONDED,**
>
> that the Islands Trust Freshwater Specialist and a Local Trustee be requested to conduct a site visit to assess the potential impact of the HO-RZ-2018.1 (Wiseman) rezoning on the ecosystems.
>
> **CARRIED**

The Islands Trust Freshwater Specialist visited the property on July 25, 2020 and provided a memorandum (Attachment 1). In summary, site visit observations indicate part of the mapped wetland sensitive ecosystem is likely to be an ephemeral marsh that receives drainage from the subject property and property to the south, but does not contain any major wetland plants, rare or sensitive species.

ANALYSIS

Issues and Opportunities:

Wetland Sensitive Ecosystem

A wetland sensitive ecosystem is identified on the subject property (Figure 1). During the site visit by the Islands Trust Freshwater Specialist on July 25, 2020, a likely ephemeral marsh on a south-east portion of the property was identified. The area along Otsby and Fowler Roads also mapped as wetland did not show significant evidence of wetland vegetation although it is likely it was wet in the past and drainage has since been diverted (Attachment 1). No major wetland plants or rare or sensitive species were observed, and the subject property does not appear to be a significant groundwater recharge area. The likely ephemeral marsh on the south-east portion of the property appears to be an important receiver of drainage in the winter months conveyed in part through a ditch from the property to the south. Clearing, filling or building on this area is not recommended as it may create problems with drainage in the surrounding area. There appears to be sufficient area to build a second dwelling and associated residential structures outside of the likely ephemeral marsh that would be more favourable from the perspective of cost and convenience of the owner.

There are currently few regulatory tools on Hornby Island to guide the way in which development is conducted on the subject property to ensure that the likely ephemeral marsh is not cleared, filled or otherwise developed. There is no soil deposit and removal bylaw, and there is no development permit area for protection of the natural environment on the subject property. It would be possible to require registration of a restrictive covenant as a condition of rezoning, but that is not recommended at this time due to the small area of the likely ephemeral

marsh, absence of major wetland plants or rare or sensitive species, and low likelihood that a conservation organization would be interested in holding the covenant for an area with these characteristics.

As a future project, the LTC could consider adopting a development permit area for sensitive ecosystem protection that would enable analysis of a mapped sensitive ecosystem at the time of the development (subdivision, land alteration, or siting and use permit application). When a development permit is issued, it can indicate areas that must remain free from development, and can require measures to protect a sensitive area during development. A development permit area is a more flexible tool than a restrictive covenant and would be applied at the time of development instead of rezoning. The LTC could also consider adopting a soil deposit and removal bylaw.

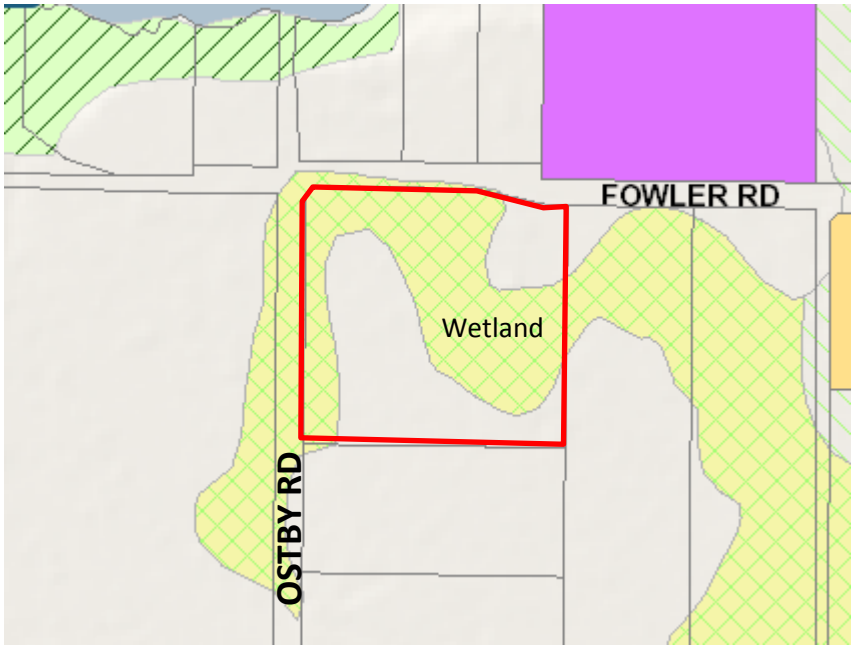


Figure 1 Wetland sensitive ecosystem mapped on subject property

Policy / Regulatory:

Islands Trust Policy Statement

In the June 26, 2020 staff report for first reading, a restrictive covenant to protect the mapped sensitive ecosystem was recommended so that the Amendment Bylaws would be consistent with the Islands Trust Policy Statement. At that time there was no biophysical or hydrogeological assessment for the subject property to understand the characteristics or importance of the mapped sensitive ecosystem. The Islands Trust Policy Statement directs that OCPs and LUBs must address protection of environmentally sensitive areas and freshwater areas, and not increase the density or intensity of land use in areas known to have a problem with freshwater supply. Typically, a biophysical assessment and / or hydrogeological assessment are required at the time of rezoning to better understand the characteristics of the mapped sensitive ecosystem and to determine the type of protection that may be required.

Based on the information from the Islands Trust Freshwater Specialist's site visit indicating a small area of likely ephemeral marsh lacking major wetland vegetation and rare or sensitive species, it is now recommended that the proposed Amendment Bylaws are not at variance with the Islands Trust Policy Statement.

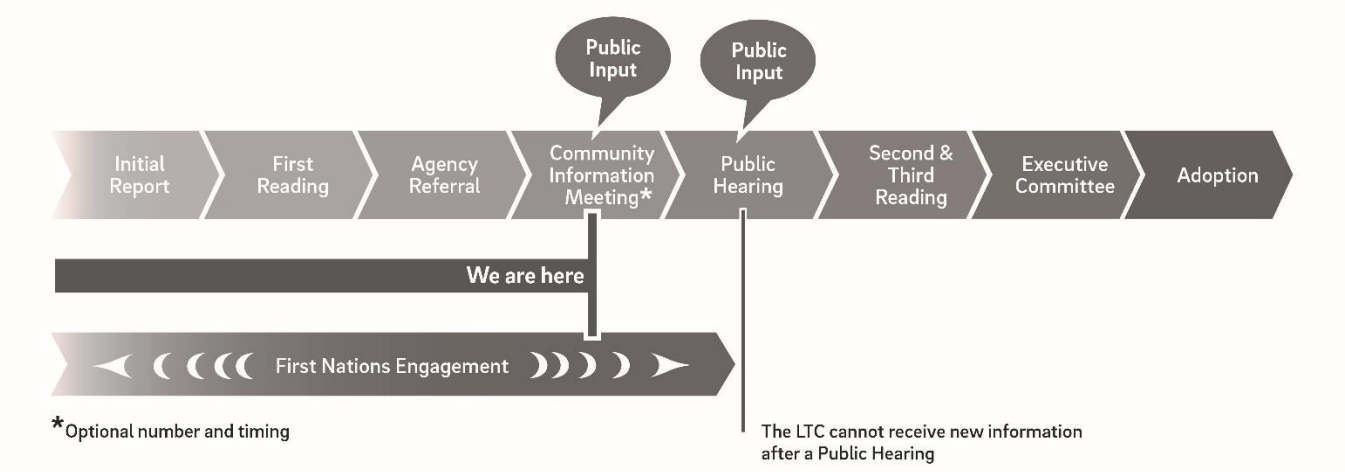
Consultation

Referrals

The Bylaws were referred to the Comox Valley Regional District, the Islands Trust Freshwater Specialist and School District 71. The response from the Islands Trust Freshwater Specialist is discussed in this report. At the time of writing this report, no response had been received from the two referral agencies. A response was requested by September 10, 2020 and will be provided at the LTC meeting if received. Referral response can be considered by the LTC up until the close of the public hearing.

Timeline

After second reading, a community information meeting and public hearing will be scheduled. They are proposed be held virtually over Zoom with the recording available on the Islands Trust website.



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. Staff advise that the implication of this alternative is a delay in processing the application. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. **Deny the application**

   The LTC may deny the application. Staff advises that the result of this alternative is that the lot could not be subdivided under the current zoning. If this alternative is selected, the LTC should state the reasons for denial.

NEXT STEPS

If the LTC passes the recommendations as listed, staff will schedule and hold the community information meeting and public hearing.

Submitted By:	Courtney Simpson, RPP, MCIP Contract Planner	August 23, 2020
Concurrence:	Heather Kauer, RPP, MPP, AICP Regional Planning Manager	August 24, 2020

ATTACHMENTS

1. Memorandum from Islands Trust Freshwater Specialist
2. Islands Trust Policy Statement Directives Only Checklist
3. Proposed Bylaw No. 164
4. Proposed Bylaw No. 165

Islands Trust

MEMORANDUM

File No.: HO-RZ-2018.1

TO:	Hornby Island Local Trust Committee
FROM:	William Shulba, P.Geo Local Planning Services
COPY:	Courtney Simpson, Islands Trust Planner
SUBJECT:	Field Visit of HO-RZ.2018.1

PURPOSE OF THIS REFERRAL

The purpose of this memorandum is to address an internal referral, relating to wetland mapping of proposed rezoning application HO-RZ-2018.1 on Hornby Island.

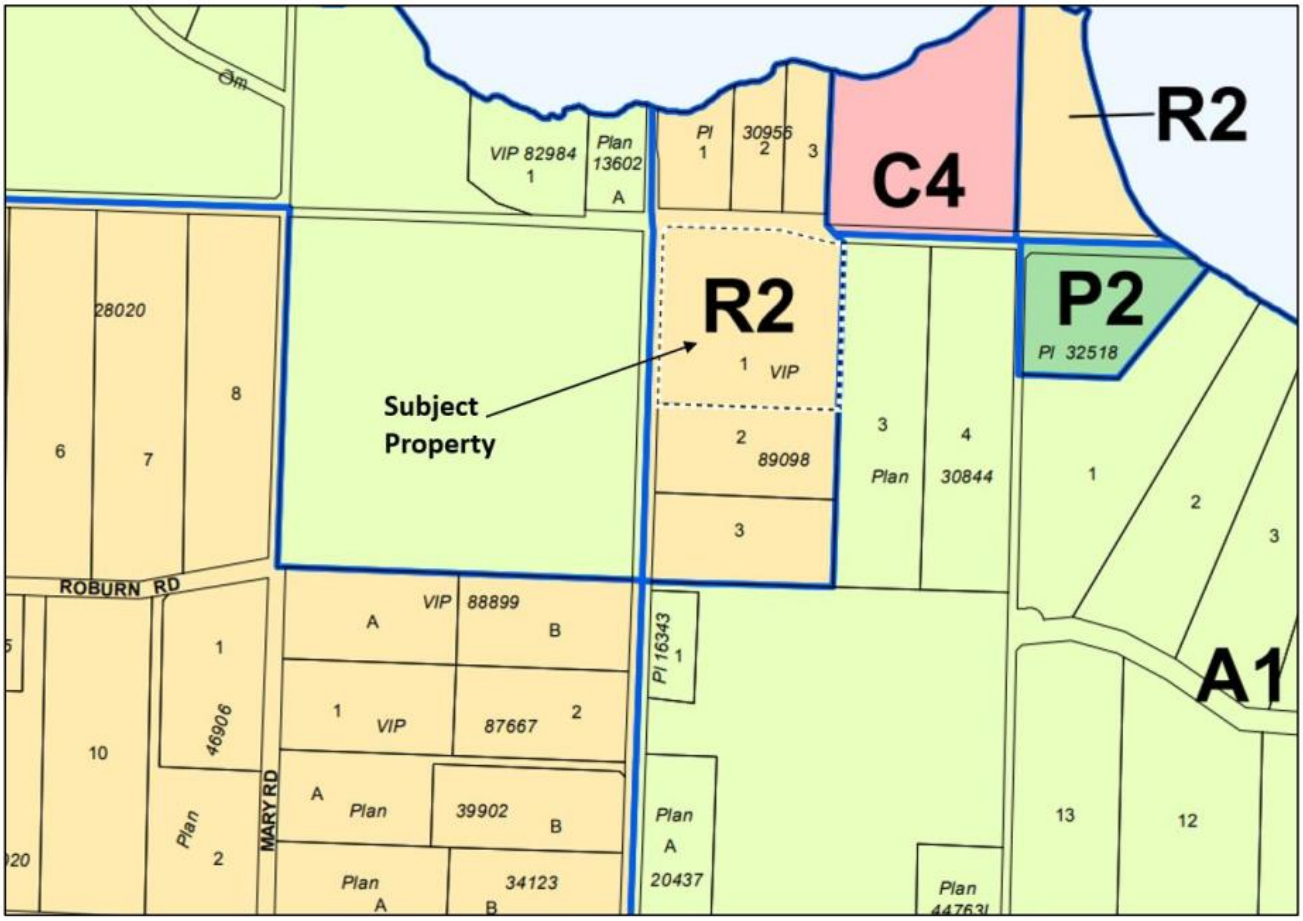
BACKGROUND

The original property was created through a boundary adjustment application made in 2011. At that point, a reconfiguration of three lots was undertaken, which resulted in the following lot sizes: 2.01 ha, 2.02 ha, and 3.98 ha. The 2.01 ha and 2.02 ha lots were sold and the applicant currently lives on the 3.98 ha property. In 2016, the applicant made a subdivision application to subdivide the 3.98 ha property. Islands Trust responded to the MOTI referral stating that the minimum lot size of 2.0 ha could not be met and stated in the referral response to MOTI (dated May 31, 2016) the following: "The proposed subdivision does not comply with the minimum average lot size as per the Hornby Island Land Use Bylaw No. 150. Planning staff are unable to recommend approval of the subdivision as proposed for this reason". The two lots that were proposed as part of the 2016 subdivision application were 2.02 ha and 1.96 ha in size.

The original zoning amendment application was made in 2018 to rezone the property and the Hornby Island Local Trust Committee (LTC) deferred consideration of this application until issues regarding the Hornby Island Official Community Plan Bylaw No. 149 (OCP) and Hornby Island LUB minimum average lot area inconsistencies were resolved (April 27, 2018). It was the direction of the LTC at the September 13, 2019 meeting that staff were to proceed with processing application HO-RZ-2018.1

The LTC requested that Senior Freshwater Specialist visit the site to address the sensitive ecosystem mapping of the Subject Property. The Senior Freshwater Specialist visited the site on July 25, 2020 with the applicant and Trustee Scott. A walk around the property was done and only photo observations were taken. No other measurements were taken. This site visit was not a riparian area regulatory assessment and did not follow that methodology as that was outside the scope of the intention of the visit. Further to this, this site investigation was not intended to investigate or dispute the methodology of the sensitive ecosystem mapping and the limitations of the site visit did not allow for detailed comment on the efficacy of the sensitive ecosystem mapping in the area. Oddities were discovered in ground truthing of the sensitive ecosystem mapping and it may be prudent for the Local Trust Committee and Islands Trust staff to engage in a discussion on the efficacy, accuracy, and applicability of the sensitive ecosystem mapping on Hornby Island as it relates to wetlands and other freshwater resources.

The property was walked on several transects with photos taken using an Apple iPhone XS with Theodolite 8.2.2 App by Hunter Research and Technology LLC with Global Positioning System Bad Elf GNSS Surveyor device which is of error scale that is applicable to this assessment.



ANALYSIS

The property was walked on several transects and since the site visit was during the dry season the landscape was generally dry with no standing water. There were moist soils in the southeast portion of the property. The mapped wetland that follows Ostby and Fowler Road was not recognizable at the time. There were areas of low-lying pockets that displayed evidence of sedges but no other major wetland plants were noted at the time.

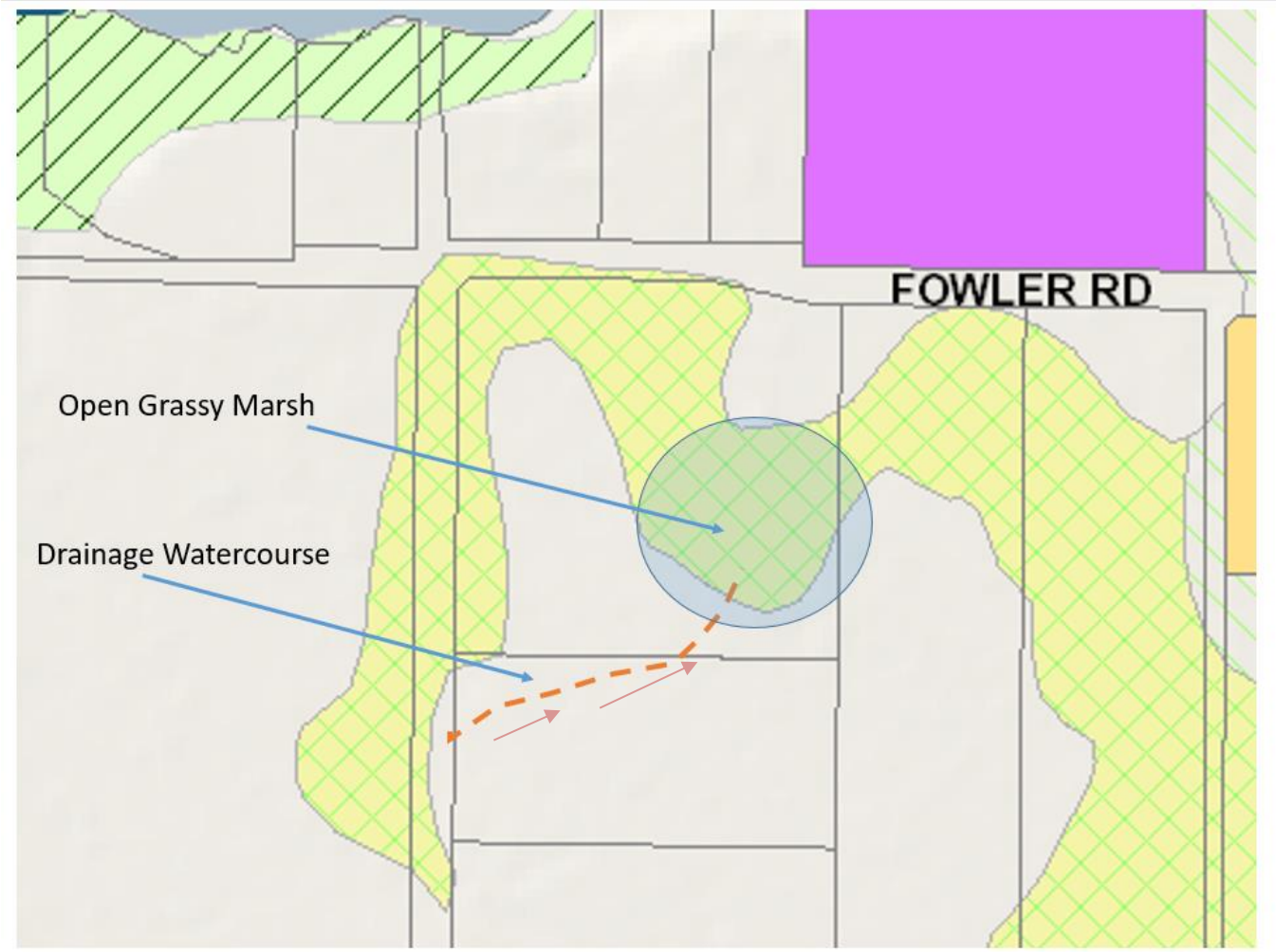
There are soil pits from septic field percolation tests, showing silty-sandy forest loam soils, that did not show any evidence of high water table such as gleying, mottling, or oxidation. Therefore the soil profile shows a well drained soil. In the winter months, it is likely to be ponding water throughout the property that may be due to a compacted forest floor coupled with the low-lying flat topography and contributions of significant stormwater from the Ostby ditches and adjacent properties.

Due to the proximity to the coast and depth of groundwater wells in the area, the property does not appear to be a significant regional groundwater recharge area. The mapped wetland areas along the Ostby and Fowler roads do not seems to be contributing greatly to the watershed hydrology of the area and may be an erroneous mapping artefact or has been altered since mapping .

Shown approximately in the image below, there is a drainage ditch that crosses VIP 88899 (A) and enters the subject property in the southeast. It is probable that this drainage ditch provides significant amount of stormwater run off from Ostby road and neighbouring property VIP 88899. This stormwater likely contributes significant volume of water to the southeast portion of the property that may support wetland-type vegetation and

hydrology. Overall the amount of stormwater that likely flows into that portion of the property may not provide suitable building location without significant alteration to the area.

The south-east area of the property appears to hold characteristics of a perennial marsh, while the other mapped wetland areas showed little resemblance to a sensitive wetland ecosystem. Generally the property is inhabited by mature second growth Douglas Fir forest. The southeast portion of the property within the mapped wetland sensitive ecosystem likely can provide habitat for flora and fauna. The clearcutting of the adjacent property likely has impacted the overall health of the ecosystem provide more light into the area and increasing evaporation in the drier parts of the year.



CONCLUSIONS

The following conclusions were reached during this site visit:

- It is likely that the southeast corner of the property is an ephemeral marsh that receives significant amount of water from a drainage ditch that transects the adjacent property to the south (VIP 88899).

- The mapped wetland along Ostby and Fowler road does not show significant evidence of wetland vegetation. It is likely that water has been diverted through VIP 88899 from Ostby Road and into the

southeastern section of the subject property. Further to this, the recent clearing of land on VIP 88899 may have led to increased stormwater runoff to the southeast section of the property.

- The subject property does not appear to be a significant groundwater recharge area and its development is not likely to have significant impact on groundwater resources in the area.

- If the subject property is to be further developed, it is favourable to not build on the likely perennial wetland in the southeast portion of the property and stormwater management best practices is addressed during development.

- It may be prudent for the Local Trust Committee and Islands Trust staff to engage in a discussion on the efficacy, accuracy, and applicability of the sensitive ecosystem mapping as it relates to wetlands and other freshwater resources on Hornby Island.

PHOTOS


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Date & Time: Sat. Jul 25, 2020, 13:36:16 PDT
Position: 10 N 380880 5488541 (±5.0m)
Altitude: 32m (±9.5m)
Datum: WGS-84
Azimuth/Bearing: 144° S36E 2560mils True (±12°)
Elevation Angle: -01.4°
Horizon Angle: -01.1°
Zoom: 1.0X


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ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: HO-RZ-2018.1
File Name: Wiseman

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
✓	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
✓	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	NO.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 164

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. Citation

   This bylaw may be cited for all purposes as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020."

2. Schedule "A" of the Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan, 2014," is amended as follows:

   Section 6.3 Residential, **Subsection 6.3.2 Residential, <u>Background</u>** is amended as follows:

   i adding the word "Some" before "lots" in the first sentence of the first paragraph.

3. Schedule "B" - Land Use Designations Map is amended by changing the land use designation of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Rural Residential to Small Lot Residential as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 149 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS	26TH	DAY OF	JUNE	, 2020
READ A SECOND TIME THIS	_____	DAY OF	_____	, 202X
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 202X
READ A THIRD TIME THIS	_____	DAY OF	_____	, 202X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	, 202X
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS				
	_____	DAY OF	_____	, 202X
ADOPTED THIS	_____	DAY OF	_____	, 202X

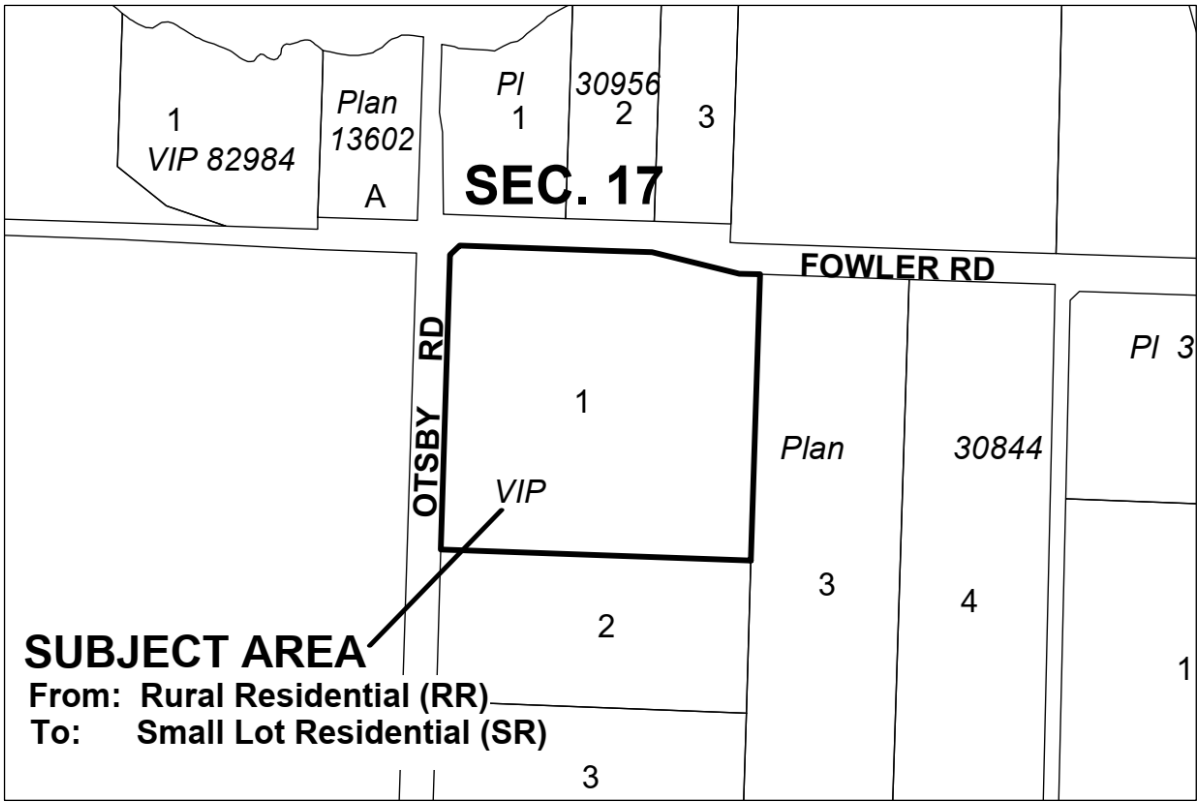
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Chair **Secretary**

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 164

Plan No. 1



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 165

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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

1. Citation

   This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020."

2. Schedule "A" of the Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as follows:

   2.1 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone (*Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot*)**, is amended to read **Residential 1 – Small Lot (R1) Zone**

   2.2 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone** Subsection 8.1(8) **Site Specific Regulations** is amended by inserting the following new site specific zone:

R1(c)	*Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098 (PID 028-737-245)*	*Despite 8.1(7) of this Bylaw, no lot may be created by subdivision that has a lot area of less than 1.9 hectares.*

3. Schedule "B" - Land Use Zoning Map, is amended by changing the zoning classification of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Residential 2 – R2 to Residential 1 – R1(c) as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 150 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS	26TH	DAY OF	JUNE	, 2020
READ A SECOND TIME THIS	_____	DAY OF	_____	, 202X
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 202X
READ A THIRD TIME THIS	_____	DAY OF	_____	, 202X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	, 202X
ADOPTED THIS	_____	DAY OF	_____	, 202X

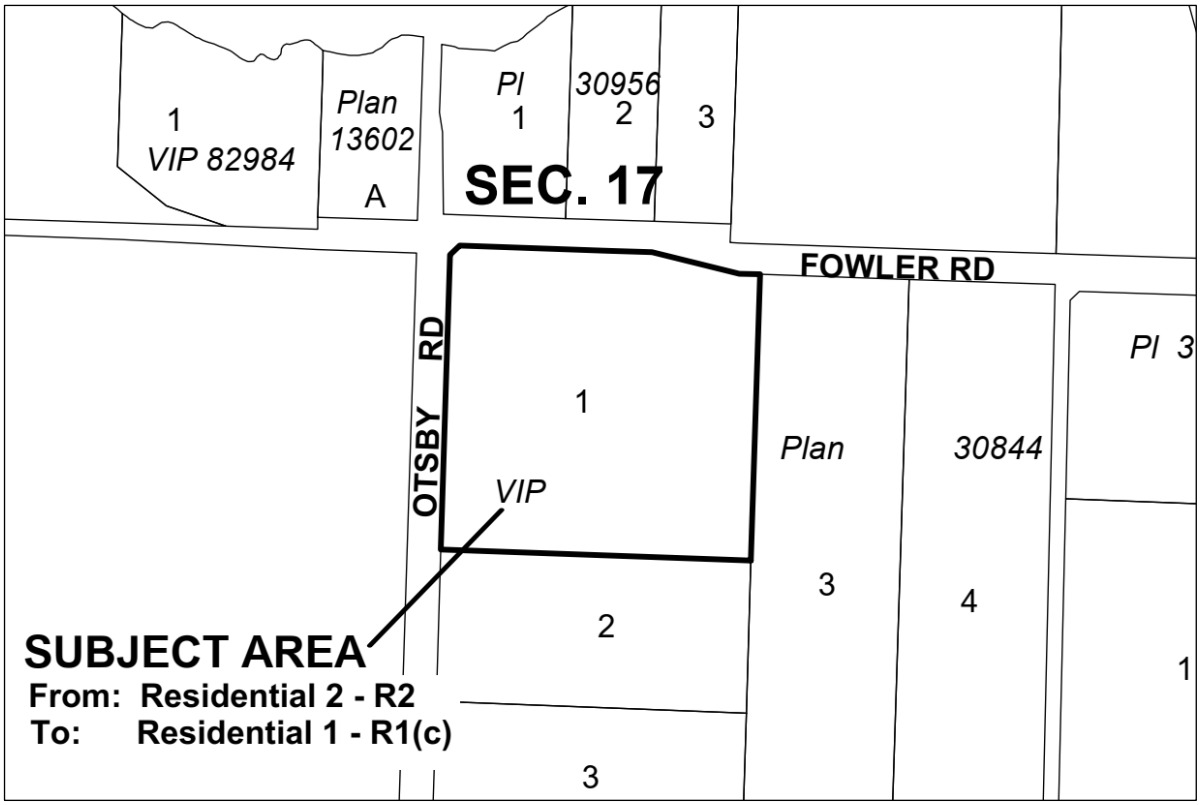
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Chair **Secretary**

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 165

Plan No. 1



STAFF REPORT

File No.: 2020 – HIHS Rezone to R3A

DATE OF MEETING:	September 11, 2020
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	Rezone of 5040 Central Road to R3A
Location:	LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP 87990 (PID 028-221-401)

RECOMMENDATION

1. **That Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020", be read a third time.**

2. **That the Hornby Island Local Trust Committee Bylaw No. 163 cited as 'Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019', be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.**

REPORT SUMMARY

This report is regarding the proposed land use amendment at 5040 Central Road to accommodate an affordable housing project. The amendment proposes to rezone the property from **Residential 3 – Community Housing (R3) Zone *(Elder Housing)*** to ***Residential 3A – Community Housing (R3A) Zone (ISLA).***

BACKGROUND

On June 26, 2020, the Hornby Island Local Trust Committee passed the following resolutions:

HO-2020-049
that the Hornby Island Local Trust Committee Bylaw No. 163 cited as 'Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020' be read a first time.

HO-2020-050
that the Hornby Island Local Trust Committee Bylaw No. 163 cited as 'Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020' be read a second time.

HO-2020-051
that Proposed Bylaw No. 163 be referred to the following Local Governments and agencies for comment:
a) Comox Valley Regional District

b) School District 71.

HO-2020-052

that the Hornby Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 163, cited as 'Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020' as the Bylaw is consistent with the Hornby Island Official Community Plan No. 149, 2014, and request staff to proceed with public notification as per Section 467 of the Local Government Act.

HO-2020-053

that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 163 cited as 'Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020' is not contrary to or at variance with the Islands Trust Policy Statement.

Bylaw No. 163 was referred to the Comox Valley Regional District (CVRD) and School District 71 as of July 29, 2020. No response was received from the School District. CVRD staff responded by saying they have no concerns.

Notification to waive the public hearing was mailed on August 14, 2020 per Section 467 of the Local Government Act. As of the writing of this staff report, no comment has been received in response to the notification.

Rationale for Recommendation

Staff are recommending that the LTC read Bylaw No. 163 for a third time and forward the bylaw to the Islands Trust Executive Committee for approval.

ALTERNATIVES

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

Request further information

The LTC may request further information prior to making a decision on whether or not to move the Bylaw forward. Staff advise that the implications of this alternative are that the timeline will be extended.

Proceed no further

The LTC may decide to proceed no further with the bylaw amendment. This would result in the existing zoning designation remaining on the property. Recommended wording for a resolution to this effect would be:

That the Hornby Island Local Trust Committee remove "Rezone of 5040 Central Road from the Hornby Island Local Trust Committee Top Priorities project list."

Hold Public Hearing

The LTC may prefer to hold a Public Hearing. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 163, cited as Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020.

NEXT STEPS

If the recommendations move forward, Bylaw No. 163 will be forwarded to the Executive Committee for approval. If the Executive Committee approves the bylaw, it will be returned to the LTC for consideration of final adoption.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	August 27, 2020

ATTACHMENTS

1. Draft Bylaw 163 (LUB)

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 163

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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

1. Citation

   This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020."

2. Schedule "A" of the Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as follows:

   2.1 **Part 4 SIGN REGULATIONS**, Section 4.6 **Sign Number and Area**, Subsection 4.6 (1) **Table 4.6: Sign Number and Area** is amended by adding the following**:**

Zone/Use	**Number of Signs Permitted for each lot, Premises or Use**	**Maximum total sign area permitted for each lot, premises or use**
R1, R2, R3, R3A, R4	1 per lot or home occupation	1.0 m^2

   2.2 **Part 7 ESTABLISHMENT OF ZONES**, Section 7.1 **Division into Zones**, is amended by adding the following after "Residential 2 – Community Housing":

Zone Name	**Abbreviation**
Residential 3 – Community Housing (Elder Housing)	R3
Residential 3A – Community Housing (ISLA)	R3A

3. Schedule "B" of the Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw, 2014," is amended as follows:

   a. By changing the zoning classification of LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP 87990 (PID 028-221-401) from Residential 3 – Community Housing (Elder Housing) (R3) to Community Housing Zone (ISLA) (R3A) as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 150 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS	26TH	DAY OF	JUNE	, 2020
READ A SECOND TIME THIS	26TH	DAY OF	JUNE	, 2020
PUBLIC HEARING WAIVED THIS	26TH	DAY OF	JUNE	, 2020
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20XX
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	, 20XX
ADOPTED THIS	_____	DAY OF	_____	, 20XX

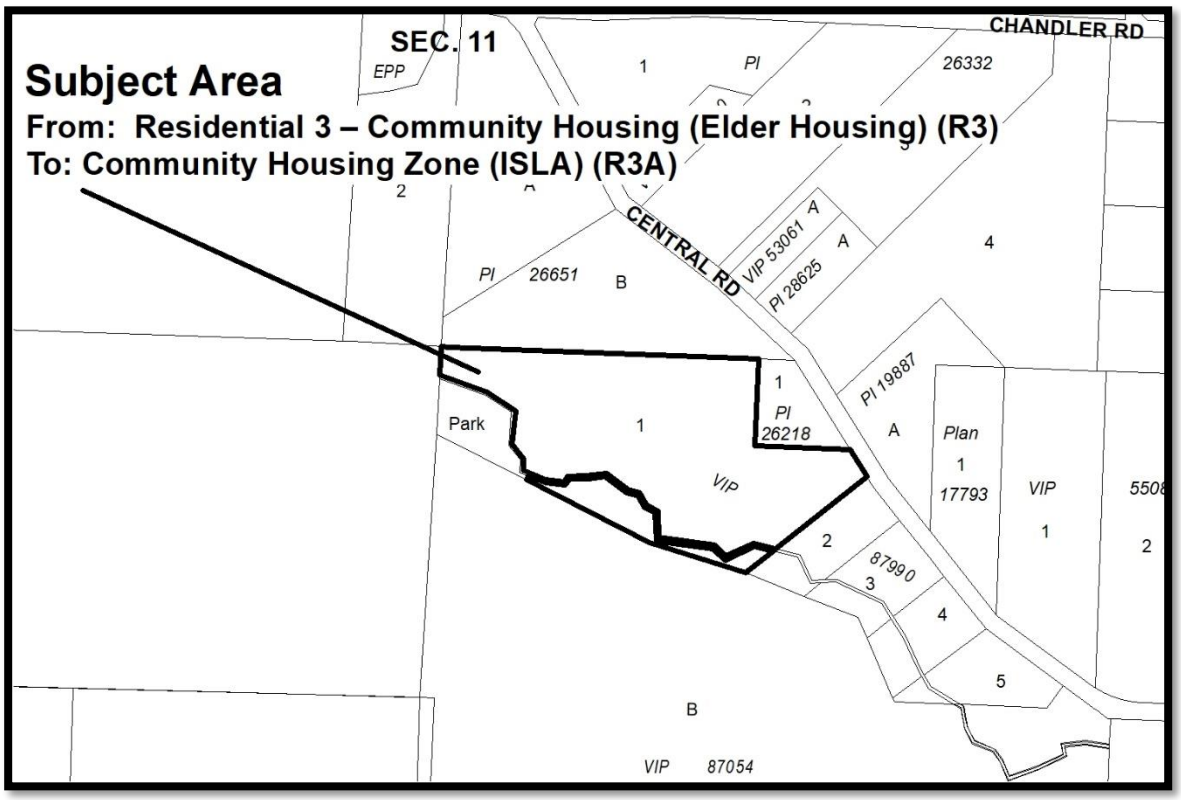
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Chair **Secretary**

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 163

Plan No. 1



STAFF REPORT

File No.: 6500-20

DATE OF MEETING:	June 26, 2020
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	Report subject: Top Priorities

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee remove Watershed Protection and Groundwater Preservation as priority 2 in the Top Priorities project list.**

2. **That the Hornby Island Local Trust Committee add "Minimum Average Lot Area" as priority 2 in the Top Priorities project list.**

3. **That the Hornby Island Local Trust Committee add "Riparian Areas Development Permit Area" as priority 3 in the Top Priorities project list.**

REPORT SUMMARY

The purpose of this report is to review the Top Priorities list of the Hornby Island Local Trust Committee and make a recommendation for projects to be added as Top Priorities 2 and 3.

BACKGROUND

At their May 1, 2020 LTC meeting, the Hornby Island Local Trust Committee passed the following resolution:

2020-023 that the Hornby Island Local Trust Committee remove Top Priority 3 'Implement the Project Charter for the education and compliance campaign' from the Top Priorities Report.

Discussion ensued about which project should be added as Top Priority 3 in place of the removed item however, no decision was made at that time. This report makes a recommendation and provides options for consideration of Top Priorities 2 and 3.

Currently, the Top Priority Projects identified by the LTC are:

Priority 1: Consideration of a rezone of 5040 Central Road to R3A;

Priority 2: Watershed Protection and Groundwater Preservation; and

Priority 3: (Vacant)

At their March 10, 2020 Trust Council meeting, Trust Council approved funding for a permanent Freshwater Specialist position, $4,000 for a Regional Freshwater Strategy, and $50,000 to map and develop a water budget. The work anticipated by the LTCs Priority 2 project listed above is anticipated to be absorbed into the Regional

Freshwater Strategy or Freshwater mapping project, therefore staff recommends that it can be removed from the LTCs Top Priority Project list.

Other projects considered at the May 1st meeting include the following:

Potential Project	Rationale
1. **Minimum Average Lot Area:** 1 OCP bylaw and 1 LUB bylaw that address Minimum Average Lot Size for Rural lots and R2 zoning	Currently there are inconsistencies between the OCP and LUB regarding this topic; development applications are being held up because of the ambiguity of the language and these provisions are difficult to administer for staff due to the ambiguity. Staff is recommending that this project be given high priority.
2. **Cannabis regulations:** 1 LUB bylaw that adopts cannabis regulations	There may be some value in specifying and distinguishing regulations related to cannabis, especially since the LUB must be consistent with ALR regulations regarding cannabis production.
3. **RAR setbacks:** 1 OCP bylaw and 1 LUB bylaw that address RAR setbacks	There seems to be some question as to whether the RAR regulations are internally consistent or consistent with Provincial regulations. Staff could explore this topic and make recommendations as to whether amendments to the bylaws are warranted.

ANALYSIS

Minimum Average Lot Area

As noted in the table above, the regulations in the Hornby Island Land Use Bylaw regarding minimum average lot size are ambiguous and therefore difficult for staff and the public to interpret. This has created a situation in which property owners have gone through the effort and cost of developing subdivision applications only to be told that they cannot subdivide their property. In addition to the difficulty in interpreting the language, there are inconsistencies between regulations in the LUB and policies in the Hornby Island Official Community Plan in regards to the expected size of lots. Staff are recommending that this project be added to the Top Priorities list due to the on-going difficulty it has caused.

Cannabis Production

Federal and Provincial regulations around Cannabis production are in effect but currently the Hornby Island OCP and LUB do not address the policies or zoning for Cannabis Production or retail. Without specific Hornby regulations, the land use bylaw would be interpreted to mean that Cannabis Production would be included in the definition of “agriculture” and Cannabis Retail would be included in the definition of “retail.” Given no local regulations, Federal and Provincial regulations would still apply. If the LTC believes that existing regulations are adequate to address Cannabis production and retail, no project related to this issue is necessary. If the LTC

wishes to prioritize this topic as a priority, it could be included in the Top Priorities list. Otherwise, Cannabis could be added to the Hornby project list as a future project.

RAR

Some community concern has been expressed about the Riparian Areas Regulation Development Permit Area that was adopted by the Hornby Island LTC and is included in Section 6.9.4 of the Hornby Island OCP. Some of this concern has been about the professional reports developed to support the DPA. Staff recommend that if this project is prioritized that it start with a discussion paper developed by staff to research and analyze the perceived issues before the project scope is defined.

Timing of Work

Staff are currently working on finishing up Phase 1 of the OCP/LUB updates (previous Top Priority 1), the rezone of the HIHS property at 5040 Central Road (current Top Priority 1), and the Freshwater Project (Top Priority 2). Staff should have capacity to begin working on the Minimum Average Lot Area or an alternative project once the OCP/LUB updates and rezone of 5040 Central Road are substantially complete.

Rationale for Recommendation

Staff is recommending that the LTC add Minimum Average Lot Area as Top Priority 2 and the RAR DPA as Top Priority 3 due to the on-going confusion the regulations have caused for potential applicants and staff.

ALTERNATIVES

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

1. **Replace Top Priority 3 with a project other than Minimum Average Lot Area**

   If the LTCs preference is to add a project to the Top Priority Project list with a project other than Minimum Average Lot Area, the resolution would be as follows:

   "That the Hornby Island Local Trust Committee Top Priorities List Item 3 be [name of project]."

2. **Defer Decision**

   If the LTCs preference is to decide at a later date which project should fill the Top Priority 3 slot in the Top Priorities list, no action is necessary. Top Priority 3 would remain vacant until the LTC decides to add a project.

3. **Ask for more information**

   Alternatively the LTC could ask staff to report back with more detailed information on one or more of the above options.

NEXT STEPS

Subject to concurrence with the staff recommendation, staff would prepare a project charter for Minimum Average Lot Area for LTC consideration at a future meeting.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 15, 2020

ATTACHMENTS

None

From: [redacted]
Sent: Thursday, July 2, 2020 11:55 AM
To: holtcwebmail <holtcwebmail@islandstrust.bc.ca>
Subject: Contact Form Submission

Contact: Hornby Island Local Trust Committee
Name: Janice V Kennedy
Email: [redacted]
If you would like to be contacted using a different method than E-mail, please enter the details: [redacted]
Write your message: Hi all, I attended last Fiday's Zoom Islands ztrust meeting right to the end - Zoom does have its good points, as I don't think I would have stayed all day in a physical meeting! You all have stamina and I am grateful for your service to our community! I write to re-confirm my support for Bylaw Enforcement of STVRs. They are businesses and for the sake of our island's ecology and our island way of life, they Must adhere to the minimal regulations that are in place! I was amazed/dumbfouned/annoyed to hear Karen Ross actually ask for this enforcement to be set aside! I support the process of educating the STVR owners that there are bylaws, created by this community, that must be adhered to, if they wish to operate those businesses. Thank you again for all that you do; I can only imagine that this could be a very involving and stressful time. Jan Kennedy

Tony Law
[redacted] *Hornby Island, BC V0R1Z0*

To: Hornby Island Local Trust Committee 20 August 2020

re: Re-establishing Cycle Lanes on Central Road – Co-op Corner to Seawright Rd.

Dear Hornby Island LTC:

I encourage you to work with the Ministry of Transportation and Infrastructure to re-establish the cycle lanes between the Co-op Corner and Seawright Road, including with appropriate signage.

Origin...

In 1992, an agreement between the Islands Trust and the Ministry stated that requirements for safely accommodating cyclists will be recognized for designated cycle routes.

In 1993, designated cycle routes were established for Hornby Island, including Central Road.

In approximately 1998, Minister Evelyn Gillespie visited Hornby Island to officially open the new paved bike lanes on Central Road, the first in a rural community in BC.

The Hornby Island OCP notes that *paved cycle lanes have been added to Central Road between the Co-op crossroads and Seawright Road, a section which had been a priority safety concern*. The Ministry is requested to *provide for safe travel of non-motorized traffic along Central Rd.*

Since then....

At first, the cycle lanes were clearly delineated by painted lines and bicycle symbols.

Subsequently, this was not continued – perhaps when road maintenance was privatized.

Lately, a significant portion of the bike lane is used for parking - a big hazard for cyclists*.

Why now....

There is an increasing number of cyclists on the island– including senior residents with e-bikes and visitors of all ages bringing bicycles to get around the island.

The Co-op has significantly expanded its parking lot, negating the “need” for vehicles to park in the bike lane.

**I have twice experienced a car door being opened as I cycled past vehicles parked in the bike lane, in one case knocking me into the opposite lane in front o*f an on-coming truck.

I do hope the LTC can successfully bring about measures to re-establish these cycle lanes.
Thank you so much! *Tony Law*

From: Donald Gutstein [redacted]
Sent: Monday, August 24, 2020 5:41 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: [redacted]
Subject: Hornby Island subdivisions in R2 zone

Dear Hornby Island Local Trust Committee,

We are submitting this letter to make three requests:

- That our subdivision application be treated consistently with those that have been approved over the past four years;
- That the Local Trust Committee expedite the evaluation of Land Use Bylaw Section 8.2 and bring it into compliance with Official Community Plan Section 6.3.3.1, which requires a minimum lot size of 1.0 hectares in the R2 zone;
- And that we be allowed to speak on these matters in the Townhall portion of the September 11, 2020 meeting of the committee.

We are including a letter we sent to the Minister of Municipal Affairs on July 22, 2020 outlining our concerns.

****

September 11, 2020 will mark the third meeting of the Hornby Island Local Trust Committee at which a flaw in the R2 zone subdivision regulations has been identified, yet so far nothing has happened. In fact, Islands Trust planners were aware of the anomaly in Hornby Island Land Use Bylaw Section 8.2 as early as 2018. Yet instead of dealing with this substantive issue, which has affected us and other owners in the R2 zone, planners moved ahead with minor technical issues.

This lack of action has affected us financially and emotionally. On June 20, 2019 we asked Island Trust planners what steps we needed to take to submit an application to subdivide our 4.37 hectare property. We are still shaking our heads about the fact that in the planner's reply he neglected to mention the most material fact of all, that we needed 8 hectares to subdivide.

We went ahead in good faith and spent $7,000 to prepare and submit our application and construct a new septic field in anticipation of the subdivision. As we've noted before, we were shocked by the abrupt rejection of the application by the very same planner who had advised us how to proceed.

Yet nothing has followed from the exercise in inconsistency. No apology has been issued; no effort has been made to correct an egregious situation. The only recognition of the situation was a comment by the regional planning manager to the effect that she could "understand why

you might be frustrated about having mentioned the size of your property in an email and it not be flagged as an issue to be dealt with."

We have now received a report from the Ministry of Transportation and Infrastructure informing us that if the Islands Trust doesn't deal with our issue within a year, we will need to reapply and pay new application fees. This is not fair.

We urge the Local Trust Committee to expedite the re-evaluation of the LUB 150 Section 8.2 regulations. As you are aware, the ambiguity in the regulations and the inconsistency with which they have been applied—some applications approved, others rejected—have create unfairness for us and other R2 owners.

Letter to Minister of Municipal Affairs sent July 22, 2020

Dear Minister,

We are writing to inform you about what we believe to be a lack of consistency, transparency and justice regarding the planning team for Hornby Island.

We own a 4.37-hectare property at [redacted] Road on Hornby Island that we wish to subdivide under the Hornby Island Official Community Plan Bylaw 149, Section 6.3.3 (Rural Residential) and Land Use Bylaw 150, Section 8.2 (R2 zone). In June 2019 we submitted a request to the Islands Trust Northern Office to outline for us the steps we needed to follow to undertake such a subdivision. In the very first paragraph of our email we stated the size of our property – 4.37 hectares. (Copies of all emails are available.)

We received a reply the next day. It was quite helpful and we were able to move ahead with the application. We followed all the steps, spending $7,000 for a survey, proof of drainage study and application fees. We also invested $22,000 for a new septic field in anticipation of a successful subdivision.

We submitted our application to the Ministry of Transportation and Infrastructure in December. In due course, the application was referred to the Islands Trust Northern Office.

Minister, you can imagine our shock when we received an email from the Northern Office denying our application. The reason? Our property needed to be 8 hectares to be subdivided. The planner who ignored the size of our property in our original request for information was the same one who delivered the verdict.

This situation needs you attention because even as we were turned down, other subdivision applications have been approved. I direct your attention to two in particular:

[redacted] Euston Road, a 6.23-hectare property, was subdivided into three lots (EPP64880 - May 2016).

[redacted] Central Road, a 4.1-hectare property, was subdivided into two lots (EPP92070 - April 2019).

Some of the confusion can be attributed to inconsistencies in the Land Use Bylaw, which were noted by Island Trust planners as early as 2018. The key question is this: does the bylaw require 4 hectares or 8 hectares for subdivision? In a study of technical issues within the bylaw, project manager Madeleine Koch notes that the two regulations regarding minimum average lot size "contradict one another." (Reference available if required.)

Two years later, no one has acted on this very material contradiction nor even alerted us to it when we applied for our subdivision. The issue has recently been shuffled to some future workplan, which the planner informs us may be some distance in the future, since the planning team apparently has a heavy work load.

We request that the Minister find out why some subdivisions have been approved while ours has not.

This is not an issue that affects only us, Minister. Other owners on the island are in the same situation. We all need consistency, transparency and justice.

From: kim fagerlund [redacted]
Sent: Monday, August 24, 2020 4:52 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Subdivision - Lot 3, Section 1, Hornby Island, Nanaimo Land District, Plan 30505

August 24th, 2020

To the Hornby Island Local Trust Committee,
We are Jessica Steen and Kim Fagerlund. Jessica's dad, Jan Steen, and Kim are co-owners of a 4.13-hectare property at [redacted] Central Rd. and [redacted] Euston Rd. (Lot 3, Section 1, Hornby Island, Nanaimo Land District, Plan 30505). We have co-owned the property for decades.
As we age, we want simply to equally divide the land into two 2-hectare lots and be friendly neighbours, no longer co-owners strained by loans, land taxes and/or logistical issues. Our families want this with a view to eventually navigating the waters of inheritance with ease. We want to be able to create wills and protect our estates for all concerned.
With this in mind we have made a concerted effort to finally pull the finances together. We already have separate addresses, utilities and road access. All parties and neighbours consent to the change. We understand that there are still many costs involved in separating land (official perc tests and surveys, well assessments, application fees and will costs, to name just a few).
As an aside, we were given the go-ahead by Hornby Island Trust to begin separation back in 2001 but couldn't proceed at that time. Now we've been told the new bylaws adopted in 2016, albeit vague and seemingly up for interpretation, imply that our land is now not big enough to allow splitting even though other properties have recently received the go-ahead for similar subdivisions.
Not permitting our subdivision, if allowed to stand, would undermine our hopes and plans for the future. We are not asking for an increase in density or even in configuration. Our subdivision will have no impact on the environment. There is no logical reason, aside from an inconsistent and vague regulation, why it should not be granted.
We urge the Local Trust Committee to remove the requirement that R2 subdivisions must be at least 8 hectares in size and go back to the original intent of 4-hectare lots.

Thank you for your attention in this matter,

Jan Steen
Kim Fagerlund
Jessica Steen

From: Tony Law [redacted]
Sent: Tuesday, August 25, 2020 12:24 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Sue Ellen Fast <sfast@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>
Subject: Correspondence to Hornby Island LTC re. Housing

To Hornby Island Local Trust Committee:

As you know, housing is a critical issue on our island.

Right now, a number of valued long term community residents are urgently looking for housing.

In April 2019, I sent the ***attached*** discussion paper on Housing (which I had prepared at the end of the previous term) to the Hornby Island Local Trust Committee.

It was my hope that this could provide a starting point for a work program item on "addressing housing needs" (a listed project topic), given the long-standing importance of this issue to the community.

The minutes of the May 24, 2019 LTC meeting record that the correspondence was received but not discussed and that the work program and projects list was received but not discussed.

Over a year later, and the housing challenges on Hornby Island have not abated. There seems to be more focus upon accommodating visitors than upon accommodating residents, too many of whom are living in "unpermitted" situations, given the lack of alternatives, which does not provide any security or stability.

As a former trustee, I certainly appreciate the demands and limited resources that an LTC faces.

In the previous term, the LTC spent a good deal of time conducting a review of Vacation Home Rental policies and regulations. It was my hope that once that was concluded it would open the door to housing needs getting attention in the current term.

As it turns out, Vacation Home Rentals have yet again become a dominating topic, with housing continuing to be on the back burner.

I would be interested to know when and how the LTC plans to address housing needs, as described on the Projects List.

Thank you.
Tony Law

------ Forwarded Message ------
From: "Tony Law" [redacted]
To: "northinfo@islandstrust.bc.ca" <northinfo@islandstrust.bc.ca>
Sent: 2019-04-25 11:58:09 AM
Subject: aallen@islandstrust.bc.ca; gscott@islandstrust.bc.ca;sfast@islandstrust.bc.ca

To: Hornby Island Local Trust Committee

Attached is a discussion paper on Hornby Island Housing which I prepared in July 2018 for last term's local trust committee.

The current committee may wish to review and discuss this document.

Tony Law

Hornby Island Housing, 2018 – Discussion Paper

History of initiatives

- legislative initiatives in bold
- Islands Trust initiatives in regular font
- *community initiatives in italics*

1990	*….Hornby conference on seniors' housing for islands*
1991	**One dwelling permitted per public facility in**
1992	**Zone created for seniors' housing** *….Land acquired for Elder Housing*
1993	**Secondary dwelling permitted in ag. zone**
1996	*….Elder Housing construction begins*
2003	**OCP revisions enable: - community housing in public use zone** **- rezoning for social housing** **- rezoning for co-ops, land trusts** **- amenity zoning for housing**
2004	Advisory Committee on Housing recommends: - displaced residents' seasonal accommodation - secondary dwelling units - establishing a community land trust
2005	*…..ISLA formed as community land trust*
2007	*….Hornby conference on Housing Solutions for Small Communities*
2008	*….Housing Needs Assessment completed (commissioned by HICEEC)*
2008	**Regs. for public use area amended to permit: - community housing** **- supportive living facility** **- hostel**
2009	**Amenity zoning bylaws enable transfer of land to ISLA for "community housing"**
2009	**Additional house sites permitted for Syzygy Land Co-op**
2009	*….Hornby Outer Island Housing Society formed; land identified for rental housing project* *….(Process and society later discontinued)*
2010	Affordable Housing Toolkit (Islands Trust) Seniors' Housing Strategy (Islands Trust)
2011	APC hosts Community Housing Forum - makes recommendations for OCP/LUB review
2014	**Revised OCP contains new section on "Housing" including existing and new policies.** **New policies implemented in revised LUB: - secondary suite on larger lots** **- detached units on larger lots through TUP** **- additional subdivision of rural lots** **- reduced average lot size for rural lots**
2016	*….HIRRA Housing Committee formed*
2018	Housing Needs Assessment for Northern Islands completed (Islands Trust)
2018	*….ISLA/Elder Housing form single Hornby Island Housing Society* *….preparing application to BC Housing for Beulah Creek project*

Permitted dwellings on Hornby Island

	Permitted dwellings per lot	Est. Total	Additional dwellings permitted	Comments
Residential Small lot (Sandpiper) (Galleon) (Anderson/WSB) (Other)	1	735 (314) (180) (185) (52)		*Islands Trust policy prevents additional density in areas with water problems*
Residential Large lot - less than 4 ha	1	149	- Secondary suite on lots over 2ha - Detached unit by TUP	*OCP enables rezoning for community housing & co-ops*
Residential Large lot - more than 4ha	2	114	- Secondary suite per dwelling - Detached unit by TUP	
Residential:	***Total:***	***998***		
Agricultural - less than 4ha	1	34	- Secondary suite on lots over 2ha	*ALC does not support ALR land being used for housing*
Agricultural - more than 4ha	1	76	- Secondary suite on lots over 2ha - Additional dwelling permitted if also permitted by ALC	
Syzygy	11	11	- Secondary suite per dwelling	
Shire	12	12	- Secondary suite per dwelling	
Downes Point	9	9	- Secondary suite per dwelling	
Agricultural	***Total:***	***142***		
Other - commercial	1	5		
Other - park	1	1		
Other - public use	1	8	OCP enables community housing in this zone	*No projects yet proposed*
Other	***Total:***	***14***		
Community housing - The Village	11	11		*Potential for large lots or public use land to be zoned for this purpose*
Community housing - Beulah Creek	30	30		
Community housing	***Total:***	***41***		
2016:			2006:	
Total permitted dwellings: *(estimated by counting lots)*		**1,195**	*?*	
Total dwellings built:		**1,100**	968	
Dwellings occupied by residents: **% of total**		**560** **50.7%**	547 57%	
Resident population:		**1,010**	1,074	
Average household size:		**1.8**	2	

Housing Needs Assessment: Rental Housing on Hornby Island

- Income and affordable housing:

45.6% of households (all households below moderate income of $30,000) need rental housing $688/month or less

- Housing challenges for Hornby Islanders

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

- Private market rental housing

Anecdotal evidence and survey results for the assessment confirm a limited market for rental housing

- Social housing:

Hornby Island Elder Housing Society operates 11 rental units for seniors' housing and has a waiting list of over 30 people. Islanders' Secure Land Association is working on a development of 20-30 affordable rental units and has received expressions of interest from over 40 people. *(The two organizations have now merged to form the Hornby island Housing Society.)*

- Where people live who need affordable housing:

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.

Large Lot Regulations
(Hornby Island compared to other islands)

The large lot zone (R2) is the only residential zone on Hornby Island with the potential for density to be increased to provide additional potential housing opportunities. (The small lots are in areas which have water quality/quantity challenges). Agricultural lots are in the ALR where additional housing is controlled by the ALC.

<table>
<tr><td rowspan="2">Island</td><td colspan="2">Subdivision</td><td colspan="3" rowspan="2">Housing density</td></tr>
<tr><td>Min.</td><td>Av</td></tr>
<tr><td rowspan="2">Hornby</td><td rowspan="2">1ha</td><td rowspan="2">2ha</td><td>Under 2ha:
1 dwelling*</td><td>2ha+:
1 dwelling*
+ sec suite</td><td>4ha+:
2 dwellings*
+ sec suite per dwelling</td></tr>
<tr><td colspan="3">+ additional detached unit permitted by TUP only
*Max dwelling size: 300m2</td></tr>
<tr><td rowspan="2">Denman</td><td rowspan="2">2ha</td><td rowspan="2">4ha</td><td colspan="2">Under 4ha:
1 dwelling
+ sec. suite</td><td>4ha+:
1 dwelling
+ 1 additional dwelling per 4ha
+ 1 sec. suite per lot</td></tr>
<tr><td colspan="3">+ additional detached unit permitted by TUP only
+ travel trailer for “occasional non-commercial accommodation”</td></tr>
<tr><td rowspan="2">Gabriola</td><td rowspan="2">2ha</td><td rowspan="2">4ha</td><td>Under 2ha:
1 dwelling</td><td colspan="2">2ha+:
1 dwelling
+ 1 cottage*</td></tr>
<tr><td colspan="3">*Max cottage size: 65m2</td></tr>
<tr><td rowspan="2">Thetis</td><td rowspan="2">2ha</td><td rowspan="2">4ha</td><td colspan="2">Under 8ha:
1 dwelling
+ 1 cottage*</td><td>8ha +:
1 dwelling
+ 1 additional dwelling per 4ha
+ 1 cottage* per dwelling</td></tr>
<tr><td colspan="3">*Max cottage size: 65m2</td></tr>
<tr><td rowspan="2">Mayne</td><td rowspan="2">2.8ha</td><td rowspan="2">-</td><td>Under 2.8ha:
1 dwelling
+ 1 cottage*</td><td colspan="2">2.8ha +
1 dwelling
+ 1 additional dwelling per 2.8ha
+ 1 cottage* per dwelling</td></tr>
<tr><td colspan="3">*Max cottage size: 60m2 on lots less than 1ha
93m2 on lots more than 1 ha</td></tr>
<tr><td rowspan="2">N.Pender</td><td rowspan="2">0.6ha</td><td rowspan="2">4ha</td><td colspan="3">1 dwelling
+ 1 cottage*</td></tr>
<tr><td colspan="3">*Max cottage size: 56m2</td></tr>
</table>

Discussion

- Market Rental Housing

The market is not providing the required affordable, stable renting housing. Dwellings are generally owned for the present or future use of the owner and not primarily to provide residential tenancies.

- Social housing

If a present proposal to BC Housing goes through, the Hornby Island Housing Society has the potential to triple the current number of affordable rental units (11 at the Elder Housing Village). But this will not go halfway to meet the current demand evidenced by the waiting list and expressions of interest nor to address the rental requirements projected in the Housing Needs Assessment.

- Secondary dwelling units

The lack of applications indicates there has been no formal uptake with respect to the provisions for secondary suites (by Siting and Use Permit) and detached units (by Temporary Use Permit).

Secondary suites were seen as a way to use the existing built infrastructure to create housing opportunities given the reduction in household size. But maybe this option does not resonate with the norms of rural living.

Temporary Use Permits were seen as a way to provide more control over the development and use of detached units than is possible through zoning regulations. But maybe the cost and challenging process has deterred applications.

- Unpermitted dwelling units

Anecdotal information suggests that a significant proportion of affordable rental housing is through non-permitted dwellings such as cabins and mobile units. These are the kind of situations that the temporary use permit provision was intended to address in order to enable legalization.

- Accessibility versus accountability

The limited number of regulatory options can make it challenging to find an appropriate balance between accessibility and accountability. Allowing secondary units as an outright permitted use in a zone can make it hard to build in a sufficient degree of accountability through regulations. Allowing them only though Temporary Use Permits provides a much higher degree of accountability, but at the expense of accessibility because the bureaucratic requirements and cost are barriers to applications. The consequence of insufficient accessibility to permitted uses can be a proliferation of unpermitted uses. When these involve housing community members there can be a reluctance to initiate bylaw investigations through complaints and a reluctance to enforce identified violations (the Bylaw Enforcement Manager recently suggested to Trust Council that there is not a social licence for the Islands Trust to enforce situations that could result in island residents being put out of their homes).

So it is worth looking at ways to achieve a better balance between accessibility and accountability. One approach might be to have a more affordable, less demanding Temporary Use Permit process. Another might be to explore what might be achievable through zoning regulations.

- More Accessible Temporary Use Permits

These could be made more accessible by reducing (or eliminating) the fee and having much simpler guidelines. However, TUPs will still need to be advertised and to provide the opportunity for neighbourhood comments. They will still need to be subsequently renewed and then re-applied for. As with zoning regulations, TUPs cannot provide accountability with respect to the use of secondary units (such as for affordable housing or caretaker accommodation) without a housing agreement which adds another big layer of bureaucracy.

- More accountable zoning regulations

To explore this option, the first step would be to identify issues that require a degree of accountability and then explore workable options for regulations.

Issues might involve:

- inappropriate uses
- type and size of units permissible
- impacts on the land
- provision for water supply and liquid waste treatment
- limiting total number
- impacts on neighbours
- addressing future interests in subdivision
- limiting total number on the island

Examples of regulatory approaches that might be explored to address these issues:

- prohibition against use for visitor accommodation
- requirement that secondary unit be occupied through a residential tenancy agreement or that mobile unit be occupied as principle residence of the occupant *(is this possible?)*
- maximum size of unit
- maximum combined size of principal and secondary units to not exceed permitted max size of a dwelling unit in the zone
- maximum permitted combined number of bedrooms (4) in the principal and secondary unit (to limit water/waste requirements to what would be expected in a principle dwelling)
- location of secondary unit within a specified distance from principle unit
- requirement for “no-subdivision” covenant
- initially limit permissibility of secondary units to a pilot subzone (eg close to institutional and main commercial centres) rather than throughout the whole island.

Possible next steps

Request a staff report to outline potential options. Appoint a special purpose Advisory Planning Commission to review options with the community.

Prepared by Trustee Tony Law 23 July 2018

From: Joanne Ovitsland [redacted]
Date: August 27, 2020 at 2:27:42 PM PDT
To: Grant Scott <gscott@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>
Subject: Limiting enforcement of Bylaws for non-compliant housing

Dear Trustees Scott and Allen,

On August 25, 2020, Laura Busheikin, Denman Trustee, posted the below on Facebook in response to a thread about housing;

***Laura Busheikin** One thing that the LTC did on Denman as a short-term approach is pass a resolution limiting bylaw enforcement on housing. Enforcement will be held back unless there are multiple complaints or multiple unlawful homes, or if the illegal dwelling is in an ecologically sensitive area (specifically, a development permit area). This is a bit edgy, since you could say it overrides the Community Plan. But we did it to respond to a housing crisis. It is NOT a solution, but rather a harm-reduction approach.*

I strongly request that the Hornby Trustees consider implementing a similar resolution. As Laura notes, this would not be a solution to our housing crisis, but would be a step in the right direction as we work as a community to address lack of housing.

As you know, this issue is very personal. The threat of enforcement ensures that potential landlords would hesitate in providing housing, and those living in non-compliant housing are always facing fear and insecurity regarding maintaining stable housing.

Thank you for your consideration.

Respectfully,

Joanne Ovitsland
[redacted]

ISLANDS TRUST CONSERVANCY

Islands Trust Conservancy Report
to Local Trust Committees
and Bowen Island Municipality
July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at http://www.islandstrustconservancy.ca/about-us/meetings/

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants
The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation
The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required $12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

Please feel free to contact the Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2020.1	Savoie, Mary	15-Apr-2020	PID: 001-186-434 Active farming & market gardening, applying to build a house. Civic address: 70 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Jun-2020

LTC forward application to ALC by resolution. Staff awaiting Commission decision before companion SUP issuance.

Status Date: 10-Jun-2020

Scheduled June 26th LTC meeting agenda item.

Status Date: 12-May-2020

Under review by planner. Target June 26, 2020 LTC meeting as agenda item.

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.

Planner: Jaime Dubyna

Planning Status

Status Date: 21-Aug-2020

Staff requested a copy of a Hydrology report in accordance with DPA Guideline 9.3.4.

Status Date: 04-Aug-2020

Updated lease received.

Status Date: 27-Apr-2020

Waiting on revised plans.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.5	Hornby Island Resort Ltd.	20-Dec-2019	PID: 028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 31-Aug-2020

Copy of water license application number received.

Status Date: 31-Jul-2020

Revised plans received.

Status Date: 26-Jun-2020

Application considered by LTC. LTC deferred consideration to the Sept 11, 2020 LTC meeting, and requested applicant submit a water plan including water license applicaiton number.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.1	School District No. 71 (Bradley Shuya Architect Inc.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020

File reassigned

Status Date: 22-Jun-2020

Waiver to survey requirement requested - on June 26th LTC agenda

Status Date: 14-May-2020

Payment received May 14, 2020

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2019.1	Hornby Island Resort Ltd.	20-Dec-2019	PID: 0028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 21-Aug-2020
Second public notification mailed out.

Status Date: 31-Jul-2020
Revised plans received.

Status Date: 26-Jun-2020
Application considered by LTC. LTC deferred consideration to the Sept 11, 2020 LTC meeting, to confirm K'omoks First Nations has been consulted, and that BCF's parking and MOTI's safety concerns be addressed.

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.2	School District No. 71 (Bradley Shuya Architect Inc.	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020
File reassigned

Status Date: 22-Jun-2020
Waiver to survey requirement requested - on June 26th LTC agenda

Status Date: 15-May-2020
Payment received May 15, 2020

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2018.1	DAVID P WISEMAN	10-Jan-2018	PID:028-737-245 Rezoning to allow for subdivision Civic address: 5020 Fowler Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 22-Jun-2020
Bylaws drafted on June 26th LTC agenda

Status Date: 01-May-2020
Introductory staff report on May 1st LTC agenda

Status Date: 02-Jan-2020
Planner review - in process

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.1	Board of School Trustees of School District No. 71 (Comox Valley)	04-Feb-2019	PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-May-2019
Under review

Status Date: 01-May-2019
Applicant to provide further information

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.11	Savoie, Elaine & Mary	05-Nov-2019	PID: 001-186-434 Building SFD. Civic address: 2555 West Carmichael Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

ALC non-adhering residential use application for LTC forwarding to Commission on June 26th LTC meeting agenda.

Status Date: 18-Feb-2020

Applicant is actively working with ALC staff. ALC application to LTC received with possible June 26th electronic meeting agenda item.

Status Date: 05-Dec-2019

Applicant may need Agricultural Land Commission Non-Adhering Residential Use (NARU) permission in relation to decommissioning of existing house. Permit on hold until further information received from ALC.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.1	492458 BC LTD.	11-Feb-2020	PID: 004-701-607 Building new cabin. Civic address: 8055 Anderson Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Jun-2020

LTC denied issuance of HO-DVP-2020.1. Awaiting alteration to DE-SUP-2020.1 for LUB height compliance.

Status Date: 15-Jun-2020

DVP application scheduled as agenda item for June 26 LTC meeting. SUP pending approval of DVP.

Status Date: 13-Mar-2020

Under review by staff - in contact with applicant regarding need for HO-DVP-2020.1 issuance prior to SUP approval. Waiting for further information from applicant.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.11	Seitz, Quintin & Brigitte	10-Aug-2020	PID: 003-607-496 New SFD. Civic address: 7225 Anderson Drive, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 24-Aug-2020

File opened & assigned. Waiting for EFT.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.5	School District No. 71 (Bradley Shuya Architect Ind.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020

File reassigned

Status Date: 16-Jun-2020

Request for waiver of survey requirement on June 26, 2020 LTC agenda

Status Date: 14-May-2020

Payment received May 14, 2020

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.6	Hornby Island Resort Ltd.	06-May-2020	PID: 028-882-075 To obtain necessary permits for construction. Civic address: 4305 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 26-May-2020

Planner reviewing file.

Status Date: 06-May-2020

File opened, planner assigned, waiting for payment.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.9	Jean-Pierre Raulot-Lapointe	25-Jun-2020	PID: 002-835-258 Building a small house. Civic address: #9, 4150 Parnell Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 17-Aug-2020
Planner reviewing file.

Status Date: 16-Jul-2020
EFT received; file opening letter sent

Status Date: 25-Jun-2020
File opened & assigned; waiting for EFT payment.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.2	Payne, Jeremy	12-Mar-2020	PID: 003-869-008 Temporary seasonal food truck. Civic address: 3005 Saint John's Point Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 26-Jun-2020
Application considered by LTC. LTC approved issuance for one year provided: a SUP is obtained, screening of shipping container, and a VIHA permit is submitted.

Status Date: 08-Jun-2020
Public notification mailed out.

Status Date: 03-Jun-2020
Applicant submitted revised site plan. Food truck to be relocated. SUP required.

Islands Trust

LTC EXP SUMMARY REPORT F2021

Invoices posted to Month ending July 2020

635 Hornby	Invoices posted to Month ending July 2020	Budget	Spent	Balance
65000-635	LTC "Trustee Expenses"	412.00	0.00	412.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,022.00	713.90	1,308.10
65210-635	LTC - Local Exp - APC Meeting Expenses	283.00	40.00	243.00
65220-635	LTC - Local Exp - Communications	250.00	138.00	112.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		2,849.00	891.90	1,957.10
Projects				
73001-635-2004	Hornby OCP/LUB	3,500.00	140.00	3,360.00
TOTAL Project Expenses		3,500.00	140.00	3,360.00

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	Enforcement actions against three specific properties for unlawful dwellings	**It was MOVED and SECONDED** that the Hornby Island Local Trust Committee **adopt the following Standing Resolution:** 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That **unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.**
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	**It was MOVED and SECONDED,** that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.

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: o Name of the applicant and a description of the proposal in general terms o The location of the proposed establishment and the subject site o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application o How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	**It was MOVED and SECONDED,** that the Hornby Island Local Trust Committee adopt the following standing resolution: "That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust."

No.	Meeting Date	Resolution No.	Issue	Policy
4.	May 24, 2019	HO-2019-038	First Nations Relationship Building	**It was MOVED and SECONDED,** that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	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: o 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 o 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 o 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.
6.	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.

Islands Trust

Print Date: September 1, 2020

Top Priorities Report

Hornby Island

1. *Consideration of a rezone of 5040 Central Road to R3A.*	Responsible	Dates
Consideration of an LUB bylaw amendment to change the zoning of 5040 Central Road from R3 to R3A.		Rec'd: 01-May-2020

2. *Watershed Protection and Groundwater Preservation*	Responsible	Dates
Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation	William Shulba	Rec'd: 08-Jun-2018

Islands Trust

Print Date: September 1, 2020

Projects Report

Hornby Island

1. *Ford Cove Consultation*	Responsible	Date Received
Conduct a consultative process for the Ford Cove area		

2. *Public Use area planning*	Responsible	Date Received
Support collaborative planning process for Public Use areas		27-Mar-2015

3. *Marine Protection*	Responsible	Date Received
Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection		28-Sep-2018

4. *Improving Bylaw Compliance*	Responsible	Date Received
Explore with the community and staff, approaches to improving Bylaw compliance		28-Sep-2018

5. *Ecosystem Protection*	Responsible	Date Received
Consider potential utilization of the Regional Conservation Plan.		28-Sep-2018

Projects Report

Hornby Island

6. *Addressing Climate Change*	Responsible	Date Received
Review measures to address climate change including through implementation of OCP policies		28-Sep-2018

7. *Addressing housing needs*	Responsible	Date Received
A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.		25-Jan-2019

8. *Implementation of Coastal Douglas-fir Toolkit*	Responsible	Date Received
		25-Jan-2019

9. *Model Cell Tower Consultation Process*	Responsible	Date Received
		13-Sep-2019