



Hornby Island Local Trust Committee Regular Meeting Agenda

Date: June 14, 2024
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

- | | | | |
|-----|---|---------------------|---------|
| 1. | CALL TO ORDER | 11:30 AM - 11:35 AM | |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | REPORTS | 11:35 AM - 11:55 AM | |
| 3.1 | Trustee Reports | | |
| 3.2 | Chair's Report | | |
| 3.3 | Electoral Area Director's Report | | |
| 4. | PUBLIC COMMENTS | 11:55 AM - 12:10 PM | |
| 5. | DELEGATIONS - none | | |
| 6. | MINUTES | 12:10 PM - 12:15 PM | |
| 6.1 | Local Trust Committee Minutes dated April 26, 2024 - for adoption | | 4 - 14 |
| 6.2 | Local Trust Committee Special Meeting Minutes dated May 22, 2024 - for adoption | | 15 - 17 |
| 6.3 | Section 26 Resolutions-without-meeting Report dated June 5, 2024 | | 18 - 18 |
| 6.4 | Advisory Planning Commission Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 12:15 PM - 12:30 PM | |
| 7.1 | Follow-up Action List Report dated June 6, 2024 | | 19 - 27 |
| 8. | APPLICATIONS AND REFERRALS | 12:30 PM - 1:00 PM | |
| 8.1 | HO-RZ-2009.2 (Hornby Island Resort Ltd.) Covenant Variance Request - Memorandum | | 28 - 42 |

9. LOCAL TRUST COMMITTEE PROJECTS 1:00 PM - 1:05 PM

9.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - verbal update

10. CORRESPONDENCE

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

11. NEW BUSINESS - none

~ BREAK 1:05 PM - 1:35 PM ~

12. STAFF REPORTS 1:35 PM - 2:15 PM

12.1 Bylaw Enforcement Notice Amendments - Staff Report 77 - 82

12.2 Trust Conservancy Report 83 - 84

12.3 Trust Conservancy The Heron - Spring Edition 85 - 88

12.4 Applications Report dated June 6, 2024 89 - 90

12.5 Trustee and Local Expense Report dated March, 2024 91 - 91

12.6 Adopted Policies and Standing Resolutions 92 - 96

12.7 Local Trust Committee Webpage

13. WORK PROGRAM 2:15 PM - 2:30 PM

13.1 Active Projects Report dated June 6, 2024 97 - 97

13.2 Future Projects Report dated June 6, 2024 98 - 99

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, September 13, 2024 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. CLOSED MEETING 2:30 PM - 2:45 PM

15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering:

- (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

and that the Recorder and Staff attend the meeting.

15.2 Recall to Order

15.3 Rise and Report

16. ADJOURNMENT

2:45 PM - 2:45 PM



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: April 26, 2024
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
 Ian Cox, Planner 2
 Lisa Millard, Meeting Administrator
 Katherine Vogt, Recorder

Others Present: There were approximately thirty-one (31) members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:41 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced himself, trustees, staff, recorder, and members of the public; and noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Regret for being over-committed and having to step down from the Regional Planning Committee despite enjoying it; but will remain as Vice-Chair of the Trust Programs Committee.

Trustee Scott reported on the following:

- At the last Hornby Local Trust Committee (LTC) meeting, I mistakenly negated the significance of the Temporary Use Permit, which is a foundation to all the other

Advisory planning Commission recommendations; so, to correct this, a Resolution Without Meeting (RWM) was called, and a motion was made to correct the previous incorrect motion, rather than wait two months for the next regular meeting which would have stalled the process.

3.2 Chair's Report

Chair Peterson reported on the following:

- The hiring committee for a new Islands Trust Chief Administrative Officer (CAO) will be contracting with an executive search firm shortly; and may need to hire an interim CAO, internally or externally for a term of 3 to 4 months, if a new CAO is not found before the current CAO retires.
- The first upcoming Islands Trust Committee of the Whole meeting in May 2024, consisting of deliberative discussions without decision making, will focus on the Islands Trust Policy Statement Review Project.
- Upcoming April 29, 2024 meeting in Victoria to speak with senior staff of the Ministry of Transportation and Infrastructure (MOTI) to revive the longstanding agreement since 1996 for an interagency taskforce to be created for the purpose of regular communications.

3.3 Electoral Area Director's Report

None

4. PUBLIC COMMENTS

Chair Peterson, for purposes of clarity, advised members of the public on the following:

- The Hornby LTC would be considering, at the current meeting, the endorsement of a revised Public Charter for the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review as contained on page 67 of the current agenda package; however, this process is a long, ongoing one involving numerous readings, referrals, a community information meeting, a public hearing, and ministerial approval, the last of which might occur in the winter of 2024/2025 at the earliest.
- The recent resolution made at the Resolution Without Meeting (RWM) was made so that staff did not waste time on tenuous bylaws.
- Trust Council Meetings Procedures Guidelines Section 2.1; Sections 13.2.; 13.3; and 13.4 and Sections 26.2; 26.3; and 26.4; provide the authority for RWMs.
- RWMs do not allow discussion: a trustee proposes a resolution and forwards it to staff who forward it to the Chair who considers it for proceeding to a vote. RWMs are used for resolutions that are non-controversial between trustees because, if discussion is required, the regular meeting process must prevail.
- RWMs cannot be used to conduct 2nd or 3rd readings of a bylaw.
- The Comox Valley Regional District (CVRD) has agreed to fund a feasibility study for business licensing of short-term vacation rentals (STVR)s on Hornby; however, the study may not take place and its outcome is uncertain. Business Licensing would be in addition to relevant

zoning permissions or Temporary Use Permits; they cannot override existing OCP and LUB land use permissions.

- TUPs, as a means of permitting STVRs, can be capped through the LTC declining to consider new applications.
- Draft Official Community Plan (OCP) and Land Use Bylaw (LUB) should be received by the LTC from staff this summer, followed by further public input.

Chair Peterson further clarified that Special Meetings of the LTC, in contrast to regular LTC meetings, are called for topic specific reasons; so, agenda items such as delegations and public comments are excluded.

Members of the public asked or spoke on the following:

- Speaking for 51 long-term residents on Hornby Island who co-signed a recent letter to the LTC expressing support for the LTC supporting the Advisory Planning Commission recommendations of March 2022 for TUPs and other measures to regulate tourism.
- Hornby has had the most lenient regulations on STVRs in the entire Trust Area. STVR operators have been very vocal but do not speak for all Hornby residents. Community values other than profit need to be upheld.
- Is anyone aware of a draft Project Charter dated January 2017 regarding home shares on Hornby Island?
 - The Chair acknowledged severe audio issues with the internet connection of the member of the public.
 - A trustee noted that a plug in or attachment to the computer may be causing the crackling audio issue.
 - A trustee invited the member of the public to contact trustees directly.
- Speaking as a member of the board of the Hornby Island Short Terms Rentals Association, (HISTRA) supports the intent and direction of the proposed new Project Charter, but requests that the phrase “prohibiting vacation rentals as an outright permitted use in residential zones” be rewritten with a more positive tone. Also, can the application and approval of TUPs be added to the timeline of the Project Charter? Also, can staff provide clarity on the upcoming June 2024 meeting at which the first draft bylaws are slated to be reviewed? Also, can the LTC provide a definition of short-term as “less than 30 days” so that workforce housing on Hornby is not jeopardized by the provincial definition of less than 90 days being applied by default?
- The clarification on RWMs was welcome given that it had created some consternation. Also, how many are on the APC and how are they selected because we need a variety of views so that the whole island is served? Also, I support HISTRA.
 - The Chair responded that members were appointed by the LTC after a call for expressions of interest.
 - A planner responded that there were 6 APC members currently.

5. DELEGATIONS

5.1 Hornby Island Community Economic Enhancement Corporation regarding Worker Housing Crown Land Application

Ross Birchall, Managing Partner of Wellesley Consulting Group (WCG) headquartered in Victoria, provided the following update on various housing initiatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC).

1. Rural Economic Diversification Infrastructure Program (REDIP) Grant Application Update
 - The REDIP application was successful and HICEEC was recently granted \$100,000.00 for project costs, such as feasibility studies and business planning, for safe affordable housing on Hornby. Thank you to the Local Trust Committee (LTC) for their letter of support, to Islands Trust staff, and to others who contributed to this successful outcome.
2. BC Builds Program Update
 - BC Builds is a new housing program delivered by BC Housing to speed the development of new homes for middle-income working people in BC including in rural communities.
 - Lisa Helps, the Executive Lead for BC Builds Project Origination, is working with HICEEC toward Hornby Island being a Partner Community; and exploring funding and investment opportunities.
3. Crown Land Use Application Update
 - WCG is advising the HICEEC board on the preparation of a formal Crown land use application to the provincial government and is seeking help from the LTC for an amendment to Land Use Bylaw (LUB) 150 Public Use (PU) (a) section to allow for additional permitted uses so that housing might be permitted on this Crown land in the future.
 - Planner Cox asked if the request to the LTC was to sponsor a rezoning application.
 - Ross Birchall responded that the intent was for the language in the bylaw to be less restrictive for a possible future housing application.
 - The Chair requested further clarification from WCG on the specifics of the rezoning request.
 - HICEEC is also exploring possibilities for private landowner and developer options for affordable housing.
 - Acknowledgement of the commitment of various Hornby organizations to the establishment of local affordable housing.

Trustees asked or noted the following:

- Is the HICEEC proposal going to be fraught with the same sort of continual delays and cost increases as Beulah Creek?
 - Ross Birchall responded that the federal and provincial political momentum for housing has shifted towards housing; but that the increased funding

mechanisms available must be accessed through the heavy lifting and collaborating of local community groups.

- There is trustee support for this housing initiative, and there seems to be Advisory planning Commission (APC) support.

Chair Peterson thanked Ross Birchall for his presentation and acknowledged the progress made.

6. MINUTES

6.1 Local Trust Committee Minutes dated February 2, 2024 - for adoption

By general consent the Local Trust committee meeting minutes of February 2, 2024 were adopted as presented.

6.2 Local Trust Committee Special Meeting Minutes dated March 22, 2024 - for adoption

By general consent the Local Trust committee special meeting minutes of March 22, 2024 were adopted as presented.

6.3 Section 26 Resolutions-without-meeting Report dated April 19, 2024

Received for information.

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated April 19, 2024

Received for information.

7.2 A1 Zone Agri-Tourism Accommodation Use - Staff Verbal Update

Planner Cox noted the following regarding A1 zone agri-tourism accommodation:

- The newly formed Hornby Island Agricultural Association (HIAA) previously requested that such accommodations be allowed.
- Bylaw Enforcement has advised staff that such accommodation use is not currently permitted.
- The Local Trust Committee (LTC) could initiate a minor project to review this issue.
- The LTC could consider a broader view of agricultural regulation such as the Denman Island Farm Plan which is a major project spanning several years.
- The LTC could include this issue in the current Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project in the same way that backyard chickens and cistern issues have been included.
- Consideration of limiting the number or type of agri-tourism accommodation units adds further complexity. Currently, 10 units are permitted.
- The LTC could direct non-enforcement of the use through standing resolution.

HO-LTC-2024-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee refer accommodation use in all agricultural zones and further agricultural tourism regulations to the Advisory Planning Commission.

CARRIED

7.3 Childcare Budget at Local Trust Committee Meetings - Staff Verbal Update

Planner Cox noted that recent discussion with the Regional Planning Manager clarified that childcare at Local Trust Committee meetings is a matter for the Trust Council Executive Committee given current lack of policy direction, and the issues of insurance and selection of childcare providers.

Trustees discussed that an informal survey to gauge potential interest and numbers would be helpful going forward.

7.4 Advisory Planning Commission Member Terms and Appointments - Staff Verbal Update

Planner Cox noted that the current Advisory Planning Commission (APC) term was ending on May 6, 2024 and that the planning team assistant would be sending notes out thanking members for their service and asking if they would like to serve another term, as well as canvassing the community for other expressions of interest; and that up to seven (7) APC members could be appointed for a two (2) year term.

Trustees considered that APC continuity was important for the current ongoing projects; and that a mix of new and current members would be welcome.

Planner Zupanec confirmed that APC members could serve a second term for reasons of continuity.

8. APPLICATIONS AND REFERRALS

8.1 HO-DP-2023.2 (Ford's Cove) - Staff Report

Planner Cox presented the staff report that recommends that trustees approve the Ford's Cove development permit for renovations to the rooves and exterior cladding of six (6) guest cabins and a washroom at the site, with no additions to the footprints of the existing buildings.

HO-LTC-2024-008

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DP-2023.2.

CARRIED

8.2 Rogers Cell Tower - Staff Verbal Update

Planner Cox updated trustees with the following information regarding the Rogers cell tower proposal:

Staff met recently with representatives from Innovation Science and Economic Development Canada (ISED), and a representative from Provincial Crown Lands, which clarified that the Rogers proposal was unusual in involving three levels of jurisdiction; and that the Province has ultimate land use authority over the Crown land, but that they generally do not go against local government zoning regulations. The role of ISED is to manage the process. The LTC should expect a referral from Crown Lands by summer, at which time the LTC could concur or not concur; and the LTC could provide further comment on the referral through the Chair. Staff is expecting further public feedback from Rogers.

- A trustee asked if ISED could overrule the Province for national security purposes.
- Planner Cox responded no, that ISED was more an intermediary to intervene on impasses of the public engagement process.
- A trustee asked how Rogers' application might conflict with the upcoming Crown land application from the Hornby Island Community Economic Enhancement Corporation (HICEEC).
- Planner Cox responded that both Crown land reviews would be technical analyses based on current permitted land uses in the bylaw and that the HICEEC request involves a land use bylaw amendment and may or may not also involve an Official Community Plan (OCP) bylaw amendment.
- Karen Ross explained that the HICEEC request was hoping for a bylaw change but that a resolution by the LTC of their strong intention to endorse the Crown land housing use proposal of HICEEC would be welcome.
- Trustees noted their previous strong support for the HICEEC Crown land housing proposal.

Planner Cox advised that Crown land referral deadlines can be last minute or up to thirty (30) days, though extensions can be requested by staff.

By general consent the meeting was recessed at 1:29 pm and reconvened at 2:00 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Heritage Register - Staff Report

Planner Cox presented the staff report on the Heritage Register that recommends that trustees endorse a revised Project Charter that removes the First Nations engagement portion because First Nations engagement over the next year is already built into the Official Community Plan/ Land Use Bylaw Review Major Project.

HO-LTC-2024-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Community Heritage Register Project Charter version 2.0, dated April 26, 2024, reflecting a revised work program, timeline, and budget.

CARRIED

9.2 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - Staff Report

Planner Zupanec presented the staff report that recommends that trustees endorse the revised Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project Charter 2.3; and, that trustees schedule a special meeting in July 2024 to consider draft OCP and LUB bylaw amendments regarding housing and vacation rental regulations.

Trustees discussed Advisory Planning Commission (APC) Recommendations and the extent of their inclusion in the current Project Charter.

- Planner Zupanec advised that the in-scope column of the current Project Charter contains the APC recommendations that have been previously formally endorsed by trustees; and acknowledged that some recommendations may have been missed; and that the scope of the Project Charter could be expanded or contracted at a future time.
- Planner Zupanec advised that it would be presumptuous of the local trust committee to consider future Temporary Use Permit applications before a bylaw is adopted, which conceivably may be no sooner than spring 2025, and may be much later because ministerial approval may take up to a year.
- First Nations responses to the initial draft OCP/LUB bylaws would necessitate a new round of amendment discussions.

Chair Peterson noted that members of the public had noted a lack of clarity in the Hornby definition of short term, regarding vacation rentals.

HO-LTC-2024-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.3, dated April 26, 2024 to reflect the revised in-scope topics, timeline, deliverables and budget of the Official Community Plan and Land Use Bylaw Review project.

CARRIED

HO-LTC-2024-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule a special meeting in July 2024 for the Local Trust Committee to review and consider the draft

Official Community Plan and Land Use Bylaw amendments pertaining to housing and vacation rental regulations

CARRIED

HO-LTC-2024-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to reach out to the present Advisory Planning Commission members to see if they are interested in staying on; and to publicize to potential new members, interest in the Advisory Planning Commission.

CARRIED

HO-LTC-2024-013

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to

1. respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal,
2. respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and
3. to discuss additional permitted uses in the Public Use Zone.

CARRIED

10. CORRESPONDENCE

10.1 Email dated February 2, 2024 from K. Dewinetz regarding Hornby Island Agricultural Association

Received for information.

10.2 Letter dated March 15, 2024 from D. Ellis regarding Restrictions in Aquifer 1A (Whaling Station Bay Aquifer)

Planner Zupanec noted that it was an in-scope item in the Official Community Plan (OCP)/ Land Use Bylaw Review project to “Designate all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer.”

A trustee expressed concern that there could be unintended consequences to this item and that it would need to be revisited.

10.3 Email dated March 25, 2024 from H. Holm regarding Cross-Island Traffic

Received for information.

10.4 Letter dated April 2, 2024 from T. Law regarding Official Community Plan and Land Use Bylaw Review Project

Received for information.

11. NEW BUSINESS

11.1 Denman Local Trust Committee with Minister of Transportation Meeting Invitation regarding Cross-Island Traffic

Chair Peterson noted that the Denman Local Trust Committee (LTC) had requested the meeting with the Minister and had invited the Hornby LTC to attend.

HO-LTC-2024-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee in conjunction with the Denman Island Local Trust Committee invite the Minister of Transportation to discuss ongoing issues of cross-island ferry traffic and road conditions on Denman and Hornby Islands.

CARRIED

Chair Peterson offered to clarify the invitation process with Vice Chair Maude and report back to the Denman and Hornby LTCs.

12. STAFF REPORTS

12.1 2023/24 Annual Report - Approval of Hornby Islands Local Trust Committee's Section - Request for Decision

HO-LTC-2024-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2023/2024 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Applications Report dated April 19, 2024

Received for information.

12.4 Trustee and Local Expense Report dated February, 2024

Received for information.

12.5 Adopted Policies and Standing Resolutions

12.6 First Nations Relationship Building

Planner Cox noted that First Nations relationship building was taking place through the Hornby Island Official Community Plan and Land Use Bylaw Review Project.

12.7 Local Trust Committee Webpage

13. WORK PROGRAM

13.1 Active Projects Report dated April 19, 2024

Received for information.

13.2 Future Projects Report dated April 19, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, June 14, 2024 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 3:20 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder



Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: May 22, 2024

Location: Electronic Meeting

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

Staff Present: Ian Cox, Island Planner
Lisa Millard, Recorder

Others Present: There were approximately 10 members of the public in attendance.

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 Peterson called the meeting to order at 3:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Local Trust Committee's Response When Receiving a Referral from the Province of British Columbia for Rogers Communications Tower Proposal

Discussion ensued and Trustees made the following comments:

- The subject property is one of the only sites available for community housing;
- Housing has priority over a cell tower;
- The location is not appropriate due to proximity to public facilities, residences, and the potential public housing site;
- The community has voiced substantial opposition to a cell tower to be located on the proposed site; and
- There are no studies on the affects of a tower on wildlife.

The Planner clarified that the Hornby Island Land Use Bylaw specifies that public service uses are allowed in all zones. The bylaw defined public service as “the provision of water, gas, electrical, telephone, television or emergency services by a government body or agency or by a company regulated by the *Utilities Commission Act* or the *Radiocommunication Act of Canada*, serving only the Hornby Island local community.

HO-2024-016

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee direct staff to include in any response to the referral from the Province of BC regarding the Rogers Communications tower proposal, the following concerns that:

- a) the Local Trust Committee supports the proposal for community housing forthcoming from the Hornby Island Community Economic Enhancement Corporation in this location;
- b) the Local Trust Committee has received substantial community opposition to a communications tower in this location;
- c) the Local Trust Committee has concerns over the effects of the tower on wildlife, given the location in close proximity to the adjacent park which is home to wildlife and migratory bird routes;
- d) the location is too close to public facilities (school, playground, health clinic, ball park, etc.); and
- e) the location is too close to existing housing.

CARRIED

3.2 Local Trust Committee's Response to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the Local Housing Society's Request to Amend the Bylaws Governing the Public Use Zone

It was noted that the application to amend the bylaw would be received in approximately one week.

HO-2024-017

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request that a letter of support be drafted to the Hornby Island Community Economic Enhancement Corporation (HICEEC), stating its intent to consider amendments to the Hornby Island Land Use Bylaw No. 150 to support inclusion of community housing as a permitted use in the Public Use - PU(a) Zone site specific regulations.

CARRIED

3.3 Additional Permitted Uses in the Public Use Zone

Discussion ensued

HO-2024-018

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request staff to explore adding additional permitted uses in the Public Use, PU(a) site specific zone, community trades and services and community and workforce housing in the major project charter draft bylaws.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 4:32 pm.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2024-003 Change May 22, 2024 Special Meeting from in-person to electronic That the Hornby Island Local Trust Committee request staff to change the format of the special business meeting scheduled for May 22nd from in-person to an electronic ZOOM meeting	Carried	16-May-2024
2024-002 Change April 26, 2024 in-person meeting to electronic That the Hornby Island Local Trust Committee request staff to change the format of the regular business meeting scheduled for April 26th from in-person to an electronic ZOOM meeting	Carried	19-Apr-2024
2024-001 Staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Official Community Plan and Land Use Bylaw Review Project Charter to reflect: 1. Short Term Rentals as a permitted use be revoked in all zones. 2. At the same time all STR operators apply for TUP indicating approved septic and water.	Carried	03-Apr-2024

Follow Up Action Report

Hornby Island

20-Jan-2023

Activity	Responsibility	Dates	Status
1 Staff to work with ROGERS to prepare a report including an analysis on consultation completed to date and comparison with Hornby Strategy for Antenna Systems; summary of public correspondence received to date and next steps in the application process.		Target: 08-Sep-2023	Completed

16-Jun-2023

Activity	Responsibility	Dates	Status
1 Staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with scope and objectives as defined by the Local Trust Committee. (PENDING)		Target: 08-Sep-2023	Completed

08-Sep-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

08-Sep-2023

Activity	Responsibility	Dates	Status
1 Rogers Communications Proposed Cell Tower Referral: ·Staff to work with Rogers to ensure that any future written notification meets the Hornby Antenna Strategy notification content requirements. ·Staff to work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure. ·Rogers to send written notice of the proposal to the remaining identified property owners and residents, School District, and ambulance services. ·Staff to review Rogers' plans for an additional public information session.			Completed

13-Dec-2023

Activity	Responsibility	Dates	Status
1 Staff to investigate 2024 regular LTC business meeting dates. Endorsed: April 26, June 14, November 1 Investigate February 2 and 9, with potential additional meeting date of September 6 or 13	Ian Cox Wil Cottingham		Completed

Follow Up Action Report

Hornby Island

13-Dec-2023

Activity	Responsibility	Dates	Status
2 Planning staff to notify bylaw enforcement staff of LTC resolution and update deadlines for standing resolutions HO-2021-053 and HO-2021-054 as follows: The Hornby Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) There is a complaint from an immediate neighbour; b) There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement; and c) There appears to be more than one unlawful dwelling on a lot. Nothing in this enforcement policy should be interpreted as giving permission to violate the Hornby Island Land Use Bylaw and the Hornby Island Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.	Daniel Schneider Ian Cox Warren Dingman	Target: 14-Dec-2023	Completed

02-Feb-2024

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

02-Feb-2024

Activity	Responsibility	Dates	Status
1 Staff to provide information to the LTC at next opportunity on the following regarding Rogers Communications tower proposal: ·clarity on proponent timeline for LTC-requested additional public notification; ·process for additional public input from notification to be provided to LTC before or at time of provincial Crown Lands referral?	Ian Cox		Completed
2 HO-LTC-2024-01 Staff to explore funding for childcare during Local Trust Committee meetings and report back at the next possible opportunity.	Ian Cox		Completed
3 Staff to check for consistency and correct potential error to Standing Resolution 2020-074 RE: enforcement on unlawful dwellings following amendment to resolutions 2021-53 and 2021-54 passed by resolution at December 13th regular meeting.	Ian Cox	Target: 22-Mar-2024	In Progress
4 HO-LTC-2024-02 Staff to send a letter to the Comox Valley Regional District Director in support of funding for a feasibility study concerning business licensing for short- term vacation rentals on Hornby Island, by February 6 if possible.	Ian Cox		Completed

Follow Up Action Report

Hornby Island

26-Apr-2024

Activity	Responsibility	Dates	Status
1 HO-LTC-2024-007 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee refer accommodation use in all agricultural zones and further agricultural tourism regulations to the Advisory Planning Commission.	Chloe Straw Ian Cox		In Progress
2 HO-LTC-2024-008 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee approve issuance of HO-DP-2023.2 Staff to issue permit.	Chloe Straw Nadine Mourao		Completed
3 HO-LTC-2024-009 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee endorse the revised Community Heritage Register Project Charter version 2.0, dated April 26, 2024, reflecting a revised work program, timeline, and budget. Staff to prepare and post v.2 to website project page and proceed with next steps.	Ian Cox		Completed

Follow Up Action Report

Hornby Island

26-Apr-2024

Activity	Responsibility	Dates	Status
4 HO-LTC-2024-010 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.3, dated April 26, 2024 to reflect the revised in-scope topics, timeline, deliverables and budget of the Official Community Plan and Land Use Bylaw Review project. Staff to prepare draft bylaws for summer 2024 LTC consideration.	Ian Cox Sonja Zupanec	Target: 01-Jul-2024	In Progress
5 HO-LTC-2024-011 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to schedule a special meeting in July 2024 for the Local Trust Committee to review and consider the draft Official Community Plan and Land Use Bylaw amendments pertaining to housing and vacation rental regulations. Staff to schedule.	Lisa Millard Michelle Backe Sonja Zupanec	Target: 01-Jul-2024	Completed
6 HO-LTC-2024-012 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to reach out to the present Advisory Planning Commission members to see if they are interested in staying on; and to publicize to potential new members, interest in the Advisory Planning Commission.	Chloe Straw		Completed

Follow Up Action Report

Hornby Island

26-Apr-2024

Activity	Responsibility	Dates	Status
7 HO-LTC-2024-013 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to 1. respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal, 2. respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and 3. to discuss additional permitted uses in the Public Use Zone.	Ian Cox Lisa Millard Michelle Backe	Target: 01-May-2024	Completed
8 HO-LTC-2024-014 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee in conjunction with the Denman Island Local Trust Committee invite the Minister of Transportation to discuss ongoing issues of cross-island ferry traffic and road conditions on Denman and Hornby Islands. Staff to coordinate joint Chair(s) invitation letter.	Ian Cox Marlis McCargar		Completed

Follow Up Action Report

Hornby Island

26-Apr-2024

Activity	Responsibility	Dates	Status
9 HO-LTC-2024-015 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee approves the attached text (to the staff report) for inclusion in the 2023/2024 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.	Morgana van Niekerk	Target: 01-May-2024	Completed

22-May-2024

Activity	Responsibility	Dates	Status
1 Resolution passed May 22, 2024 at Special Meeting. Staff to explore adding additional permitted uses in the Public Use, PU(a) site specific zone, community trades and services and community and workforce housing in the major project charter draft bylaws.	Ian Cox Sonja Zupanec	Target: 09-Aug-2024	In Progress

Follow Up Action Report

Hornby Island

22-May-2024

Activity	Responsibility	Dates	Status
2 Staff to include in any response to a referral from the Province of BC regarding the Rogers Communications tower proposal, the following concerns that: a) the HO LTC supports the proposal for community housing forthcoming from HICEEC in this location; b) the LTC has received substantial community opposition to a communications tower in this location; c) the LTC has concerns over the effects of the tower on wildlife, given the location in close proximity to the adjacent park which is home to wildlife and migratory bird routes; d) the location is too close to public facilities (school, playground, health clinic, ball park, etc.); and e) the location is too close to existing housing.	Ian Cox		In Progress
3 Staff to coordinate with Chair to draft letter of support to the Hornby Island Community Economic Enhancement Corporation (HICEEC), stating its intent to consider amendments to the Hornby Island Land Use Bylaw No. 150 to support inclusion of community housing as a permitted use in the Public Use - PU(a) Zone site specific regulations.	Ian Cox		Completed

DATE OF MEETING: June 14, 2024

TO: Gabriola Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Hornby Island Resort Ltd. Covenant Variance Request

LOCATION: LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609 EXCEPT
PLAN EPS9394 (PID 028-882-075)

PURPOSE

This Memorandum presents a request by legal counsel for the subject property owner to vary the terms of a covenant registered to the property title in favour of the Hornby Island Local Trust Committee (LTC).

BACKGROUND

Covenant CA2090177 (**Attachment 1**) was registered on the subject property title as part of a rezoning for application HO-RZ-2009.2. Schedule 'A', section 2 of the document stipulates the provision of green roof features and associated criteria as part of any commercial and accommodation building design.

Section 3 of the Terms of Instrument provides the option to apply to the LTC for a variance of the features set out in Schedule 'A' (the provision of green roof features in this case).

The owner's legal council has provided communication from their New Home Warranty insurer indicating refusal to insure two-storey wood frame buildings with green roofs (**Attachment 2**). The proposed visitor accommodation buildings as approved by various DP, DVP, and SUP applications, are wood frame, as is the commercial portion of the development. However, the owner advises that the New Home Warranty restriction does not apply to commercial buildings and so plans to install a full green roof on the flat-roofed portions of the commercial buildings.

REQUEST

The owner estimates that the total area of green roof on the commercial buildings will be similar to the area that would have been covered pursuant to the covenant requirement for 20% coverage of accommodation roofs.

Considering this, the owner requests that the LTC remove the green roof requirement for the accommodation/residential portion of the project. According to their legal counsel, the owner continues to be in compliance with all other terms of the covenant at this time.

OPTIONS AND NEXT STEPS

The LTC may wish to consider the revised terms for the green roof in relation to the achieved result of the rezoning that was granted and the development that has occurred. For example, does the rezoning achieve the intention and is the LTC satisfied to then support revising the covenant? Staff suggest that the LTC could require a portion of the lot be planted with native and drought resistant vegetation equal to the accommodation building total roof area instead. Although this does not address reduced energy consumption of the building itself, it would contribute to storm water runoff management, aquifer recharge, and native habitat on the property.

Should the LTC grant the request, staff will work with the owner's legal counsel to execute any relevant changes to the covenant; any costs such as legal fees incurred by the Islands Trust will be borne by the property owner.

Staff anticipate the action will involve minimal time to review the covenant changes and could be accomplished as soon as the owner's legal counsel provides a draft document for the LTC's signature. It would then be the responsibility of the owner to register the instrument on title.

SUGGESTED RESOLUTION

That the Hornby Island Local Trust Committee direct staff to work with the owner's legal counsel to remove the entirety of section 2 of Schedule "A" to Land Title Act Section 219 Covenant CA2090177 registered to the property title, and to include required plantings as a term and bring the draft back to the LTC for final review and signature.

Submitted By:	Ian Cox, Planner 2	May 27, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 29, 2024

ATTACHMENTS

1. Covenant CA2090177
2. New Home Warranty Application

LAND TITLE ACT**FORM C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 11 Pages

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

Applicant's Solicitor

2 PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

000-538-060

Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except
Part in Plan 2638 RW

3 NATURE OF INTEREST:*

Description

Document Reference
(page and paragraph)

Person Entitled to Interest

Section 219 Covenant

Entire Instrument

Transferee

Section 218 Statutory Right of Way

Page 5 - Section 7

Transferee

Priority Agreement

Page 7

Transferee

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

(a) Filed Standard Charge Terms

—

D F No

(b) Express Charge Terms

X

Annexed as Part 2

(c) Release

—

There is no Part 2 of this Instrument

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5 TRANSFEROR(S):*

HORNBY ISLAND RESORT LTD. (Inc. No. 0789283)

6 TRANSFeree(S): (including postal address(es) and postal code(s))*

HORNBY ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street, Victoria, B.C. V8R 1H8

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1

Page 2

7 ADDITIONAL OR MODIFIED TERMS:*

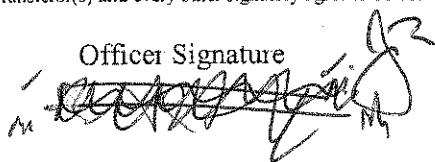
N/A

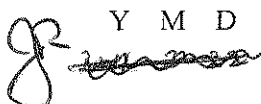
8 EXECUTION(S):**This instrument creates, assigns, modifies enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge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

Officer Signature

Execution Date

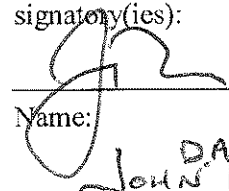
Transferor Signature



Y M D


HORNBY ISLAND RESORT
LTD by its authorized
signatory(ies):

Name:


John D.A. Ross

Name:

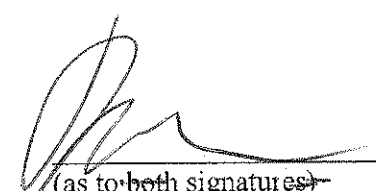
UNION BAY CREDIT UNION
by its authorized signatory(ies):

Name:


BEV ROULEAU
ASSISTANT BRANCH MANAGER

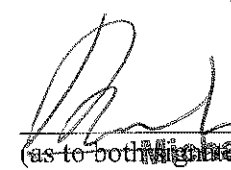
HORNBY ISLAND LOCAL
TRUST COMMITTEE by its
authorized signatory:

Trustee:


(as to both signatures)

2011 03 22

Michael S. Krugel
Barrister & Solicitor
102 - 635 Fitzgerald Avenue
Courtenay BC V9N 2R4


(as to both signatures)
Michael S. Krugel
Barrister & Solicitor
102 - 635 Fitzgerald Avenue
Courtenay BC V9N 2R4

2011 12 22

2011

OFFICER CERTIFICATION:

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

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E

** If space insufficient, continue executions on additional page(s) in Form D.

Q:\00002\0644\Revised Covenant March 16-Bb Doc

Mar 18, 2011 8:44 AM/SS

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference , 2011 is

BETWEEN:

HORNBY ISLAND RESORT LTD. (Incorporation No. 0789283),
of 201 – 467 Cumberland Road, Courtenay, BC V9N 2C5

("Owner")

AND:

HORNBY ISLAND LOCAL TRUST COMMITTEE,
with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R
1H8

("Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner of the land in the Hornby Island local trust area legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land");
- B. The Owner has applied to the Local Trust Committee to rezone the Land to permit a resort development, and has represented to the Local Trust Committee that the resort development will incorporate certain building and servicing features of an environmentally sustainable nature;
- C. The Owner wishes to grant to the Local Trust Committee and the Local Trust Committee wishes to accept a covenant under s 219 of the *Land Title Act* (British Columbia) to ensure that the design, construction and operation of buildings on the Land incorporate such features; and
- D. The statutory right of way granted in this Agreement is necessary for the operation and maintenance of the Local Trust Committee's undertaking

This Agreement is evidence that in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as

follows with the Local Trust Committee in accordance with s.219 of the *Land Title Act* (British Columbia);

Environmentally Sustainable Development Features

1. The Owner shall not construct or install any improvement on the Land or construct or use any building on the Land unless the improvement, use or building incorporates the features set out in Schedule A to this Agreement.
2. Having constructed an improvement or building on the Land in accordance with Schedule A, the Owner shall not alter or modify the improvement or building such that it no longer incorporates the features set out in Schedule A, unless the alteration or modification provides a greater degree of environmental sustainability than the features set out in Schedule A. The Local Trust Committee may require the Owner to provide, at the Owner's cost, written evidence of such greater sustainability, including information under the seal of an architect or engineer.
3. The Owner may apply in writing to the Local Trust Committee for a variance of the features set out in Schedule A, on the basis that the materials or equipment required to incorporate or install such features are not commercially available or cannot be utilized without compromising the health or safety of occupiers of the building or the Land, and if the Local Trust Committee authorizes such variance in writing, references to Schedule A in this Agreement including Schedule B shall be interpreted as references to Schedule A as so varied. The Local Trust Committee may, in its sole discretion, require the Owner to provide information under the seal of an architect or engineer to support any such variance application.
4. Prior to constructing any improvement or building on the Land, the Owner shall provide plans of the proposed building or other improvement to the Local Trust Committee to enable the Local Trust Committee to ensure that the Owner is in compliance with this Agreement, and the plans shall be of sufficient scope and level of detail for that purpose.

Statutory Declarations

5. In order to enable the Local Trust Committee to confirm that the Owner is in compliance with this Agreement, the Owner must swear and deliver to the Local Trust Committee, prior to occupying any building constructed on the Land after the date of execution of this Agreement, a statutory declaration in the form attached as Schedule B.
6. If at any time subsequent to the Owner's delivery of the statutory declaration described in section 5 the Local Trust Committee has reason to believe that the Land or any building or structure on the Land has been altered or modified such that the Owner is not in compliance with section 2, the Local Trust Committee may require the Owner to swear and deliver a further statutory declaration in the form attached as Schedule B.

Statutory Right of Way

7. In accordance with section 218 of the *Land Title Act*, the Owner grants, conveys and confirms to the Local Trust Committee in perpetuity a statutory right of way for the officers and employees of the Islands Trust to enter, leave and be on the Land, and to enter any building on the Land, in the same manner and subject to the same conditions as apply to entry on the Land for the purpose of enforcing bylaws of the Local Trust Committee, in order to inspect the Land and buildings on the Land and monitor performance of this Agreement by the Owner.

No Effect On Laws or Powers

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

Limitation on Obligations

9. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows while the Owner is the registered owner of any interest in the Land, and then only to the extent of that interest.

No Liability in Tort

10. The parties agree that this agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

11. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a

covenant granted under s.219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

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

Waiver

13. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. Without limiting the generality of the foregoing, the Local Trust Committee is not deemed to have waived any breach of this Agreement if, having received plans of buildings or improvements under section 4, it does not seek to enforce this Agreement in respect of any breach that may be illustrated or implied by such plans. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

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

No Other Agreements

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

Binding of Successors

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

As evidence of its agreement to be bound by the terms of this instrument, the Owner and the Local Trust Committee have executed the Land Title Office Form C that is attached to and forms part of this Agreement.

PRIORITY AGREEMENT

BETWEEN:

HORNBY ISLAND LOCAL TRUST COMMITTEE

(the "Subsequent Chargee")

AND:

UNION BAY CREDIT UNION

(the "Prior Chargee")

WHEREAS:

- A. HORNBY ISLAND RESORT LTD. (the "Owner") is the owner of that parcel of land and premises located on Hornby Island and legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land");
- B. The Owner granted the Prior Chargee a mortgage that is registered against the title to the Land in the Victoria Land Title Office under number CA955133 (the "Prior Charge");
- C. On the ____ day of _____, 2011 the Owner granted the Subsequent Chargee a covenant that will be registered concurrently with this Agreement (the "Subsequent Charge");

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

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

Schedule A

1. Rainwater Catchment

- 1.1 The Owner shall construct two cisterns or reservoirs as integral components of buildings on the Land and having a total capacity of at least 10,000 imperial gallons, for the storage of rainwater falling on the Land and for such use on the Land as is permitted by the B.C. Building Code, the *Drinking Water Protection Act* and the *Health Act*, including fire suppression.
- 1.2 The Owner shall install rain-barrels of appearance and design consistent with the architectural design of the accommodation building, and of approximately 25 imperial gallons capacity, to capture rainwater falling on each accommodation building constructed on the Land for use in landscape irrigation or gardening on the Land.

2. Green Roofs

- 2.1 The Owner shall design and construct the roof of each accommodation or commercial building on the Land such that at least 20% of the area of each roof is a green roof, planted with indigenous grasses or other indigenous vegetation and maintained so as to attenuate storm water runoff from the roof, provide natural habitat for insects and birds, and reduce the build-up of solar heat in the building.

3. Water Conservation Fixtures

- 3.1 All water-using fixtures installed in buildings on the Land whether initially or as replacements for fixtures previously installed, including toilets, bidets, urinals, showers, and sinks, shall be the most efficient in the use of water of those commercially available.

4. Energy Conservation

- 4.1 All appliances, heating, cooling and ventilation equipment and lighting fixtures installed in buildings on the Land whether initially or as replacements for appliances, equipment or fixtures previously installed, shall bear the Natural Resources Canada Energy Star rating.
- 4.2 Glazing of buildings on the Land other than bedroom and bathroom glazing shall be of the low-emissivity type.
- 4.3 Accommodation units shall be equipped with propane-fueled space heaters or fireplaces adequate to heat rooms other than bedrooms and bathrooms.

5. **Landscaping, Paving and Lighting**

- 5.1 Any artificial landscaping installed on the Land shall use indigenous species that do not require irrigation following the initial transplantation period
- 5.2 Areas designated for the parking of motor vehicles shall not be paved or otherwise improved with impervious surfaces.
- 5.3 Exterior lighting on pathways shall be solar powered, and all exterior lighting shall be located and of such design that light is not directed upwards or away from the immediate area being illuminated

6. **Building Orientation and Glazing**

- 6.1 Buildings on the Land shall be oriented to make optimal use of passive solar heating, with at least 60% of the area of walls that are facing approximately south, other than bedrooms and bathroom walls, being glazed.

7. **Building Products and Materials**

- 7.1 Products and materials for buildings on the Land shall be selected so as to minimize the use of products and materials containing volatile organic compounds (VOC) including formaldehyde. Paints and other flammable liquids shall, if stored on the Land, be stored in buildings not used for human occupancy

8. **Sewage Treatment and Disposal**

- 8.1 The Owner shall install and operate an Orenco Advan-Tex sewage filtration system or an alternative system having, at a minimum, equivalent operational features in terms of energy consumption and the quality of treated effluent, and shall treat and dispose of all sewage generated on the Land by means of that system.

9. **Recycling**

- 9.1 The Owner shall provide on the Land and utilize to the maximum extent possible, containers and similar facilities for the recycling of materials so as to minimize the generation from the operation of all resort operations on the Land of solid waste requiring disposal.

Schedule B

CANADA	)	IN THE MATTER OF A SECTION 219
	)	COVENANT IN FAVOUR OF THE
PROVINCE OF BRITISH COLUMBIA	)	HORNBY ISLAND LOCAL TRUST
	)	COMMITTEE (THE "AGREEMENT")
	)	

I, _____, of _____, British Columbia, do solemnly declare that:

1. I am the registered owner of, or an authorized signatory of the owner of, the lands legally described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913 Except Part in Plan 2638 RW (the "Land") and make this declaration to the best of my personal knowledge
2. This declaration is made pursuant to the Agreement, which is registered against title to the Lands in the Victoria Land Title Office under number _____
3. The development of the Land including all buildings constructed on the Land as of the date set out below comply fully with the standards set out in Schedule A to the Agreement, a copy of which is attached hereto and each numbered paragraph of which has been initialled by me.
4. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at _____, in
the Province of British Columbia, this ____
day of _____, 20____

A Commissioner for Taking Affidavits for British
Columbia

) Signature of person making declaration
)
)

Attachment to Statutory Declaration --

Insert Schedule A building standards from covenant

END OF DOCUMENT

Preliminary project information for multi-unit buildings (5 units or more)

APPLICATION INFORMATION (PLEASE COMPLETE FOR ALL NEW PROJECTS)

Builder Name: Hornby Island Resort (2021) Ltd. Phone: [REDACTED]

Project Name: Hornby Island Resort

Project Address: 4305 Shingle Spit Road Hornby Island V0R 1Z0
(Street) (City) (Postal Code)

Number of Units: 17 Number of Buildings: 6

Est. Construction Start Date: Feb. 2022 Est. Date of Completion: Dec. 2022

Unit Ownership Type:

- ☐ Bare Land
☒ Strata or Condominium
☐ Party Wall Agreement
☐ Freehold
☐ Co-operative

- ☐ Leased First Nations Land
☐ Leased Land
☐ Unorganized territory *
☐ Social Housing - Rental Units
☐ Other: _____

*Subject to Code compliance inspections

Unit Type:

- ☐ Attached (Townhouse)
☐ Low-Rise (up to four storeys)
☐ High-Rise (>four storeys)
☐ Major conversion or heritage redevelopment**
☐ Mixed use

**Subject to special approval

1. General project information:

a) Building structure: # of Stories: 2 ☒ Wood Frame ☐ Steel frame ☐ Concrete ☐ ICF

b) Foundation type: Raft Slab Post Tension Slab Conventional Other Concrete
* Note: Sandwich slabs are not acceptable.

c) Suspended Slab: Yes ☐ No ☒ # of floors: _____

d) Heating System: Geo-Thermal Yes ☐ No ☒ If No. Type: Baseboard, Gas

Building envelope:

e) Cladding: ☐ Stucco ☐ Vinyl Siding ☐ Brick ☒ Fibre Cement Board ☒ Metal ☐ Wood ☐ Stone Veneer
Other: _____

f) Waterproofing Membranes:

Roof, Type 1: Type: Torch on
Location: _____

Roof, Type 2: Type: _____
Location: _____

NOTE: Travelers Canada does not support the use of cold-applied asphalt modified elastomeric polyurethane waterproofing in an inverted roof assembly on concrete surfaces

Decks/Balconies: Type: Cantilever

Membrane Over Parking Structure: Type: N/A

Below Grade: Type: Concrete, sealed

h) Green Roof: Type: "CORE" roof
Location: _____ % coverage over living space 20

Note: Green roofs will be reviewed on a case by case basis. Green roofs on wood frame construction will not be considered.

i) Windows: Type: ☒ Residential ☒ Commercial ☐ Wood ☐ Vinyl ☐ Aluminum ☐
Window supplier*: Ply Gem

* Please list the supplier under contract or the shortlist being considered
Note: Minimum field test ratings of B-3 required.

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----- Forwarded Message -----

Subject:Hornby Island Resort- Green roof inquiry.

Date:Fri, 17 May 2024 15:44:16 +0000

From:Peters, John J <JJPETERS@travelers.com>

To [REDACTED]

CC:Pope, Alison <APOPE@travelers.com>

Hello Jack, Alison asked me to respond to your inquiry, Travelers at the time of the project's application did not accept any Green roof assemblies on wood framed homes due to the high risk of envelope/ structural failure.

I hope this helps.

Regards,

John Peters | Sr.Technical Representative, Vancouver Island | Warranty

Travelers Canada

Suite 2500, 650 West Georgia St. | P.O. Box 11542

Vancouver, B.C. V6B 4N7

C: 236 333 3487

JJPeters@travelers.com

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File No.: HO-DVP-2023.2
(x-ref. HO-SUP-2023.11)

DATE OF MEETING: June 14, 2024

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: HO-DVP-2023.2

Owner: INC. NO. 1427714 BC LTD

Applicant/Agent: Ron McMurtrie

Location: 6555 Anderson Drive, Hornby (the "Property")

PID: 003-603-806

Legal: LOT 36, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 19660

Area: 0.15 ha

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of HO-DVP-2023.2

REPORT SUMMARY

This report introduces development variance permit HO-DVP-2023.2 (Attachment 1) for consideration by the Hornby Island Local Trust Committee (LTC). The application seeks to:

- Reduce the 30.0 metre setback from drinking water wells on the subject and neighbouring properties from 30 metres as required by the Hornby Island Land Use Bylaw (LUB) for a sewage disposal field, to 27.5 metres under the design and supervision of a Registered Engineer and septic Technician.
- Reduce the setback from the natural boundary of the sea from 15.0 metres as required by the LUB for buildings and structures, to 12.0 metres to accommodate installation of an associated septic tank.

The application states that no change in the principal use of the property is planned as part of the system relocation, which is required for construction of a new 130.4 m² (1,404 sf) single family residence (the New Residence). Staff recommends the LTC grant both variance requests under the analysis and rationale provided in the following sections.

RATIONALE FOR VARIANCE

The applicant submits that due to the location of the New Residence, the existing buildings and structures on the property, and the location of neighbouring property water wells, the proposed septic system location has been determined by a professional septic technician to be optimal for the site conditions and necessary given the constraints of the lot and the requirements of the provincial Sewerage System Regulation. Further, the applicant has received a K'ómoks First Nation (K'ómoks) Cultural Heritage Investigation Permit (CHIP)

(Attachment 2) for the scope of the works, and staff consider that because both the septic field and tank will be placed underground, there should be no visual impact to neighbouring properties resulting from a relaxation of the setbacks in this instance.

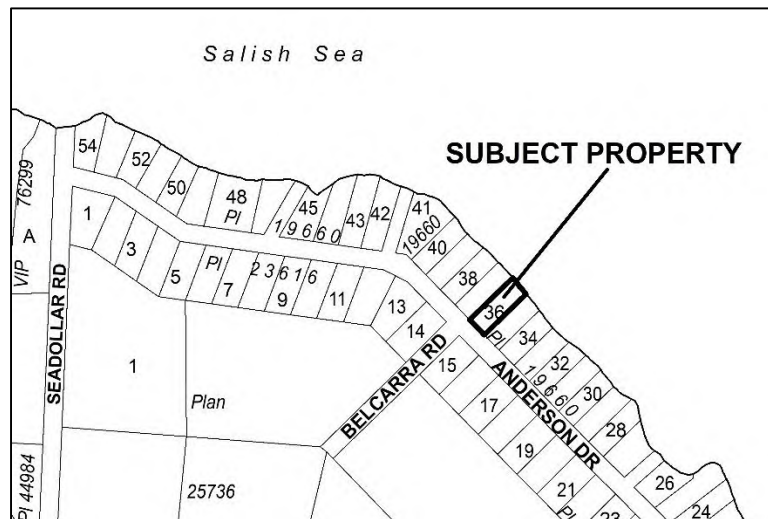


Figure 1 - Property Location

BACKGROUND

On August 22, 2023, Siting and Use Permit (SUP) application HO-SUP-2023.11 was received for the New Residence. The applicant provides that site constraints became clear during the design phase and the need for a possible variance to either or both the natural boundary and water well setbacks was identified through staff review of the SUP application. The system was redesigned and proposed to be located farther away from the natural boundary than first expected, requiring only a variance to LUB section 3.3(7) stipulating a 30 metre setback for septic disposal fields from water wells.

ANALYSIS

Setbacks for septic systems to the natural boundary of the sea and to water wells are intended to protect marine foreshore and drinking water quality from contamination by wastewater, respectively. In the case of this DVP, the applicant has provided that the siting constraints of the property necessitate the proposed system locations and has engaged a hydrogeological and septic professional to conduct a Setback Reduction Assessment as required by the Sewerage System Regulation for systems located less than 30 metres from a well that supplies a domestic water system. The assessment prepared by Elanco Enterprises Ltd., dated April 10, 2024 (Attachment 3), includes an analysis of the hydrogeology of the property. This report would inform the Record of Sewerage System filing required by Island Health as part of the installation of the system. The proposed location for the septic tank is less than the LUB-required 15 metres from the natural boundary, but is underground and is an enclosed system draining into the disposal field which will be located equal to or greater than the required 30 metres from the natural boundary of the sea.

Considerations and Potential Impacts:

Staff suggest the professional opinion contained in the assessment report provided by the applicant for the system supports the variance request. If the requests were denied, the applicant would need to redesign the siting of the New Residence and it is not clear whether the 8.53 metre by 30 metre house footprint could be located elsewhere on the lot while respecting the 30 metre natural boundary setback of.

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

Circulation

Notification of the DVP was sent to property owners and residents within 100 metres of the Property on May 30, 2024 in accordance with the Local Government Act (Attachment 4). Public comments can be received up to and including the LTC meeting on June 14th, 2024.

As of the date of this report, no correspondence had been received. Any submissions received prior to the LTC meeting date will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. A CHIP was received and the Applicant granted the SUP on January 4, 2024. Staff consider the DVP application to be consistent with respect to LTC Standing Resolutions on reconciliation considering the direction given by K'ómoks First Nation through the CHIP process. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act responsibilities directly to the applicant with the initial application.

Rationale for Recommendation

The applicant has received authorization from K'ómoks First Nation to proceed with the proposed development via the CHIP process and the existing septic disposal field that is currently sited within the setback to the natural boundary, is proposed to be moved to comply with the LUB required 30 metres if the DVP is granted. Staff consider these points to be an improvement on the current siting and do not anticipate any negative impact arising from the location considering the system design and level of effluent treatment per the professional advice and oversight provided. Further, the location of the septic tank at 12 metres instead of the required 15 metres from the natural boundary, is unlikely to cause issue with neighbouring properties since the tank is located underground and no effluent will discharge in that location which could cause “daylighting” in proximity to the foreshore. The staff recommendation to issue the permit is found on page 1 of this report.

ALTERNATIVES

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

1. Request further information

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

*That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust
[insert information request]*

2. Deny the application

The LTC may deny the variance request.

That the Hornby Island Local Trust Committee refuse application HO-DVP-2023.2.

Submitted By:	Ian Cox, Planner 2	May 30, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 30, 2024

ATTACHMENTS

1. Proposed DVP
2. K'ómoks First Nation Cultural Heritage Investigation Permit (CHIP)
3. Elanco Enterprises Ltd. Assessment Repot
4. Public Notice
5. Site Context

PROPOSED



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2023.2**

To: 1427714 BC LTD

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

LOT 36, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 19660
(PID: 003-603-806)

2. Pursuant to Section 498 of the *Local Government Act*, the Hornby Island Land Use Bylaw 150, 2014, PART 3 GENERAL REGULATIONS, section 3.3 Siting and Setback Regulations, subsection (2), "No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea."; and subsection (7), "Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.", is varied as follows:
- from 15.0 metres to 12.0 metres to accommodate installation of a new septic tank; and
 - from 30.0 metres to 25.0 metres from the existing wells on the subject and neighbouring properties to accommodate installation of a new septic disposal field.
4. The development shall be consistent with Schedule 'A' – Site Plan, and Schedule "B" - Septic System Design Letter, that are attached to and form part of this permit.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Hornby Island Land Use Bylaw No. 150, 2014" and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXth DAY OF XX, 20XX (2 YEARS FROM DATE OF ISSUANCE) THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2023.2

SCHEDULE 'A' – Site Plan
BEGINS ON NEXT PAGE

PROPOSED

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2023.2

SCHEDULE 'B' – Septic System Design Letter
BEGINS ON NEXT PAGE

PROPOSED

ELANCO ENTERPRISES LTD.

Permit to Practice No: 1001505

4965 Cordova Bay Road, Victoria, B.C., V8Y 2K1

Phone 250 744-1357. E-mail: adakin.elanco@gmail.com

File: 310

April 10, 2024

1427714 BC Ltd.
4135 Ripple Road
West Vancouver, BC
V7V 3L1

Attention: Duncan White

Re: Assessment of Potential Impact on Water Supply Wells Resulting from the Construction of a Wastewater System on the 6555 Anderson Road Property, Hornby Island.

As requested, the writer has conducted a hydrogeologic assessment of the area on and around the subject property and has reviewed the drawings prepared for siting of a proposed new cottage and a wastewater treatment and dispersal system on your Hornby Island property. The purpose of this assessment was to determine if it would be safe to locate the dispersal field at distances less than 30m from three existing drilled water supply wells.

The Property

Your 0.15 hectare property (the Property) is located along the eastern Hornby Island shoreline at 6555 Anderson Drive (see Fig. 1). The legal description is Lot 36, Section 9, Hornby Island Nanaimo District, Plan 19660, PID 003-603-806.

Work Carried out

This study involved visiting the site on April 5th, 2024, reviewing available information and then determining potential contaminant migration pathways, well capture zones and assessing the pathogen removal potential below the proposed wastewater dispersal field. The information reviewed included: logs of water wells located within 100m of the Property, topographic and geological maps, a survey plan of the Property prepared by Peter T. Mason BCLS, the design concepts and a sketch map prepared by Ron McMurtrie P.Eng of Ron McMurtrie & Associates Consulting Engineers for the dispersal field. Also reviewed were the coliform removal calculations prepared by Mr. McMurtrie.

Topography and Drainage.

The southwestern portion of Property is relatively flat with elevations ranging from 7m to about 8m above sea level (asl) and has no well developed surface drainage channels. The northeastern portion slopes steeply over a distance of about 20m to the shoreline (see Photos. 1 and 2). The existing cottage is served by a 33.5m deep drilled water well (No. 40239). The location of this well and the proposed new cottage is indicated on Fig. 1. Both neighbouring properties have drilled wells, and their locations are also indicated on Fig. 1. Available information these wells, as well as many local area wells, is presented in Table I.

Soils

Three test pits dug in the area of the proposed sewage effluent dispersal field had the following typical profile: 0.0-0.05m Dark brown organic soil, 0.05 to 0.50m Sandy loam that is extremely gravelly, 0.50 to 0.60m Conglomerate bedrock (see Photos 3 and 4). The sandy loam classification was later confirmed by a jar test performed by Mr. McMurtrie.

The locations of these test pits are indicated as TP1 to TP3 on Fig. 2 along with the proposed locations of the septic tank and effluent dispersal field. In addition to the test pits, six exploratory holes were dug to establish bedrock surface elevations. These holes are indicated as TA to TF on Fig. 2 and confirmed that the thickness of the soil zone was relatively consistent at about 0.6m. The elevations of the bedrock surface are also indicated on Fig. 2 and this confirms that the bedrock slopes from near Anderson Drive towards the proposed sewage effluent dispersal field at the middle of the Property. The slope of the bedrock ranged from 0.3% between TE and TD to 1% between TF and TC.

Proposed Wastewater Treatment System

According to Mr. McMurtrie, the design professional, the estimated discharge from the proposed septic wastewater treatment system will be about 1,500 litres per day (L/d). The treated sewage effluent is to be discharged via a micro dosing system onto a pea gravel bed that is placed on top of a 0.45m thick layer of mound sand. After removing the organic soil layer there will be about a 0.5m thickness of sandy loam soil below the mound sand layer and above the conglomerate bedrock surface.

In order to assess the permeability of the soil a permeameter test was conducted in the sandy loam soil and the results determined that the field saturated hydraulic conductivity (kfs) was 1,894 mm/day.

In order to assess the underlying bedrock, a 24 hour infiltration test was performed in a trench constructed in the area of the proposed effluent dispersal field. This involved placing a line of emitters in the base of the 15m long trench and discharging water at a rate of about 750 litres per day (L/d) uniformly along the length of the trench (see Photo 3).

The design details for this dispersal field are set out in Appendix A which indicates that a hydraulic loading rate (HLR) of 30 mm/day was used to dose the mound sand with the daily design flow (DDF) of 1,500 L/day at a frequency of 18 per day. For the average daily flow (ADF) of 750 L/day, the HLR was 15 mm/day at a frequency of 9 doses per day.

For the natural soil interface the HLRs for the DDF and ADF were 25 and 14 mm/day respectively for the same dosing frequency.

By assuming a fecal coliform count of 1 million per 100mL, Mr. McMurtrie calculated that for both the DDF and the ADF scenarios all of the fecal coliforms will be removed before the effluent reached the conglomerate bedrock surface (see Appendix A). While this calculation is specific to fecal coliforms, experience indicates that this calculation is also a good indicator of

the mound sand and natural soil's capacity for removing most, if not all, of the potential organic and microscopic contaminants from the infiltrating sewage effluent before it reached the bedrock surface.

Hydrogeology

The logs of the local area wells suggest that the sediments in the region consist of a thin, less than 1.3m thick, overburden unit overlying sandstone or conglomerate bedrock. According to the bedrock geology map (see Fig. 3), this unit belongs to the Geoffrey Formation, which is characterized as a well sorted sandstone with interbeds of coarse conglomerate. Exposures observed along the shoreline (see Photo 2) suggest that this unit is relatively massive and dips to the northeast at about 3 degrees (see Profile A-A' on Fig. 3).

The logs of the drilled wells located the area show that well depths range between 26.2 to 96.6m (see Table I). Recorded depths to principal water strikes (PWS) ranged from 26.5 to 70.1m, which confirmed that most of the water entering the wells flows in to the wells at considerable depths below ground. Reported well yields ranged from 0.1 to 1.5 L/s. There were only two meaningful recorded depths to static water level at the time of well construction and these were 5.0 and 7.6m below ground. The 21.3 m depth to static water level in Well 108251 is not considered representative as it is below sea level and may have been impacted by pumping from a nearby well at the time of construction.

The section presented on Fig 4 is drawn through the well on the Property (well tag no. 40239) and two wells located southwest of Anderson Drive. This provides an indication of the soil and bedrock profile, along with the interpreted water table elevation and groundwater flow direction. As can be seen the effluent leaving the effluent dispersal field is likely to seep down to the water table and/or follow the bedrock surface towards the ocean. While it is difficult to predict the extent of a well capture zone in fractured bedrock, my experience and a simple hydraulic analysis carried out, indicate that the capture zone will likely not extend under the dispersal field area, as is illustrated on Fig. 1.

Conclusions

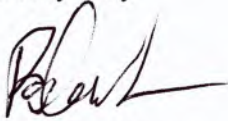
1. The waste water treatment system, including the dispersal field, will remove most, if not all, of the organic and microorganisms from the sewage effluent prior to it reaching the bedrock surface.
2. Once the percolated effluent reaches the bedrock it will either flow along the bedrock surface and/or seep down to the water table. In both cases the flow will be towards the ocean and not back towards the wells.
3. As none of the well capture zones are likely to not extend below the effluent dispersal field, the chance of effluent leaving these facilities and causing contamination of the water wells is very low, to non-existent.

4. The proposed minimum 24m horizontal separation distance between the three wells and the effluent dispersal field is adequate, provided that the proposed wastewater treatment system is constructed and maintained in accordance with the engineer's specifications.
5. These measures, and the 24m minimum setback distance, will ensure that the proposed wastewater treatment system will not pose a health hazard.

I trust that this sufficient for your present purposes.

Elanco Enterprises Ltd.

Yours very truly



Allan Dakin, P. Eng.
Senior Groundwater Engineer.



C: Ron McMurtrie, P. Eng., Hornby Island.

Photos



Photo. 1 View of existing cottage from the beach.



Photo 2. View of beach from the toe of the slope.

Note: conglomerate and sandstone bedrock is not exposed for some distance from the shoreline.



Photo. 3 Test trench dug in area of proposed wastewater dispersal field.
The pipe with emitters had been discharging water for over 24 hours at a rate of about 750 Litres per day



Photo. 4 Test Pit 2 with spoil pile. This is typical of the cobbly loamy sand soil in the area.



Photo. 5 Well house on the Property.

While there is no record of well 40239 having a surface seal the well house provides a measure of protection from surface water entering the well alongside the 150mm diameter casing.

Tables

TABLE I
INFORMATION ON LOCAL AREA WATER WELLS

Address	Legal		WTN	Year	Depth (metres) to:				Elevation (m-asl)				Yield
	Lot	Plan			Bedrock	SWL	PWS	Bottom	Ground	Bedrock	SWL	Bottom	
6435 Anderson Drive	42	19660	38757	1978	10.7	7.6	61.0	71.6	8	-2.7	0.4	-63.6	1.5
6555 Anderson Drive	36	19660	40239	1978	1.5	3.0	na	33.5	8	6.5	5.0	-25.5	0.8
6545 Anderson Drive	37	19660	40241	1978	1.8	na	35.1	39.6	8	6.2	na	-31.6	0.3
6490 Anderson Drive	13	23616	42459	na	3.0	na	na	30.5	9	6.0	na	-21.5	0.6
6520 Anderson Drive	14	23616	44082	1980	0.9	na	70.1	76.2	10	9.1	na	-66.2	1.5
6525 Anderson Drive	38	19660	47248	1982	3.7	na	45.7	96.6	8	4.3	na	-88.6	na
6605 Anderson Drive	33	19660	52705	1978	4.6	na	26.5	27.4	7	2.4	na	-20.4	0.8
6475 Anderson Drive	35	19660	74347	1986	1.2	na	na	77.7	7	5.8	na	-70.7	0.1
6595 Anderson Drive	34	19660	74878	1978	1.2	1.2	33.2	36.6	7	5.8	5.8	-29.6	0.2
6485 Anderson Drive	41	19660	83393	2004	na	na	na	54.9	8	na	na	-46.9	0.1
2025 Belcarra Rd	1	15736	83413	2002	1.8	na	na	26.2	10	8.2	na	-16.2	0.5
6495 Anderson Drive	40	19660	108251	2013	0.3	21.3	na	83.8	8	7.7	-13.3	-75.8	0.8
6545 Anderson Drive	37	19660	Well A	No information available									
Minimum					0.3	1.2	26.5	26.2				-88.6	0.1
Average					1.9	7.9	39.5	52.3				-50.6	0.5
Maximum					4.6	21.3	70.1	96.6				-16.2	1.5

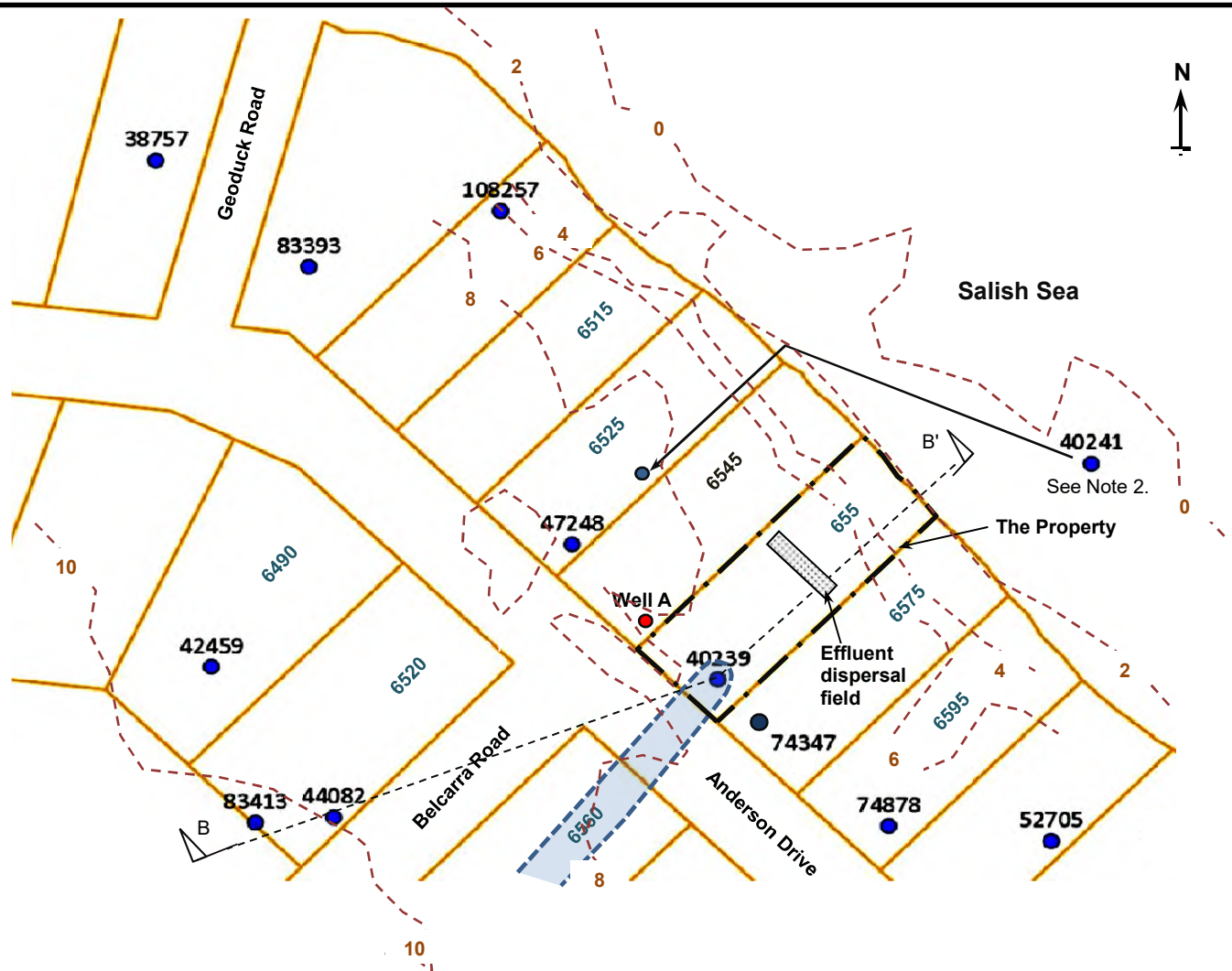
Notes:

na = no data available

- 1) Data based on logs available on the BC Ministry of Environment wells data base and other sources.
- 2) See locations of wells on Fig. 1
- 3) SWL = static water level recorded soon after well construction
- 4) PWS = Principal Water Strike. The depth were the principal water inflow occurred during well drilling.
- 5) All wells are 150-mm diameter drilled wells.

Red = the Property well

Figures

**Legend**

- Well in G-Wells database with indicated Well Tag Number.
- Well on survey map but not in G-Wells database.
- - - 10 2m topographic contours from Islands Trust web site
- B Hydrogeological section (see Fig. 4)
- Approximate extent of the capture zone for the well on the Property. (see Note 3)

Scale (1:1,500)

0 20 40m

NOTES

- 1) Base map from Provincial Government G-wells database
- 2) Well 40241 is incorrectly located on the G-Wells map and was located on 6525 Anderson Drive property but has since been decommissioned.
- 3) The extent of the well capture zone is illustrative only, as it is based on the assumption that there are multiple fractures and that the aquifer transmissivity is 1.5 m²/day

1427714 BC Ltd

ELANCO ENTERPRISES LTD.
Victoria, B.C. (250 744-1357)
Permit to Practice No: 1001505

Assessment of Setback Distance Between
 Wastewater Treatment System and Water
 Supply Wells, 6555 Anderson Drive Property,
 Hornby Island, B.C.

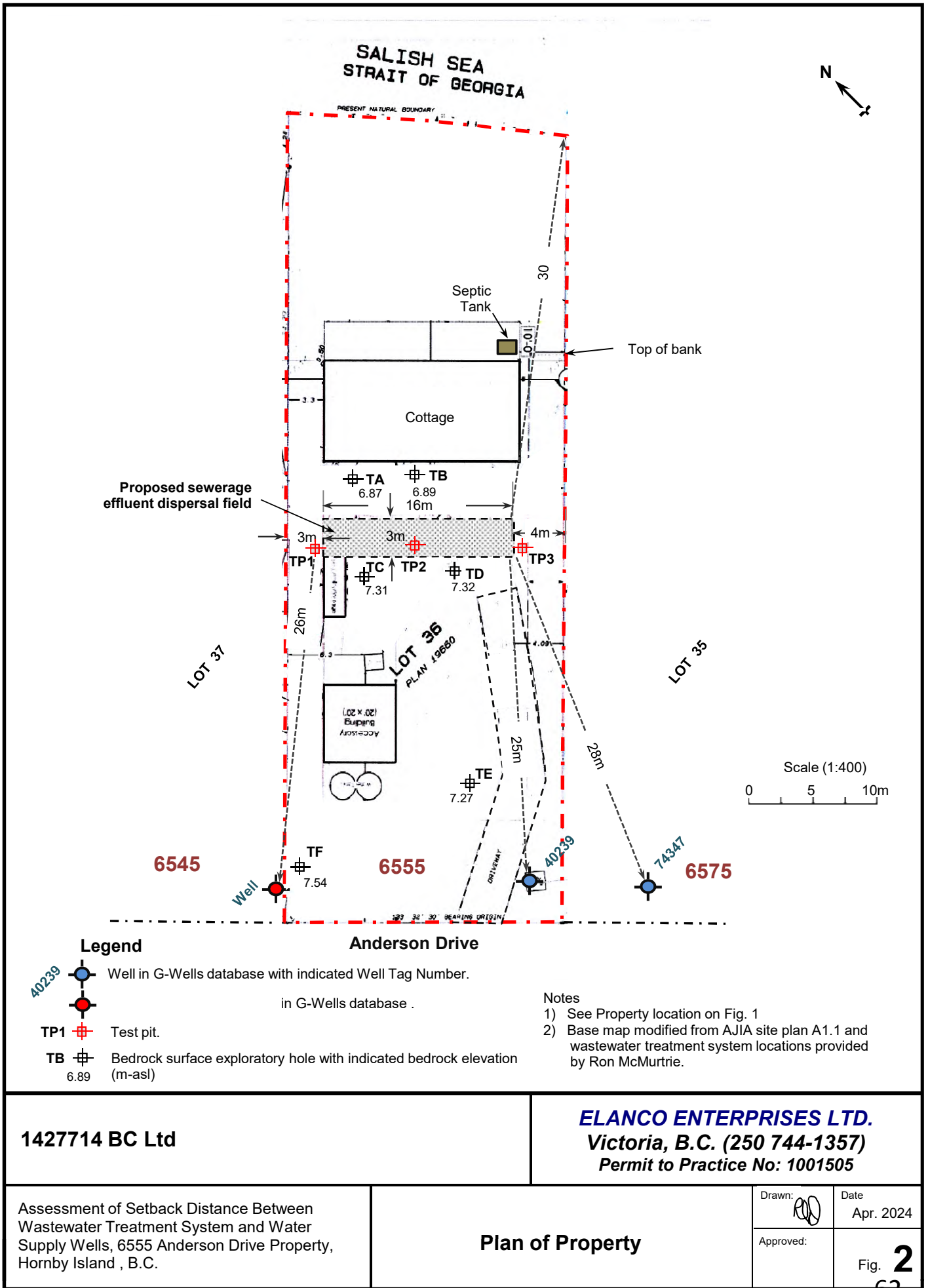
Well Location Map

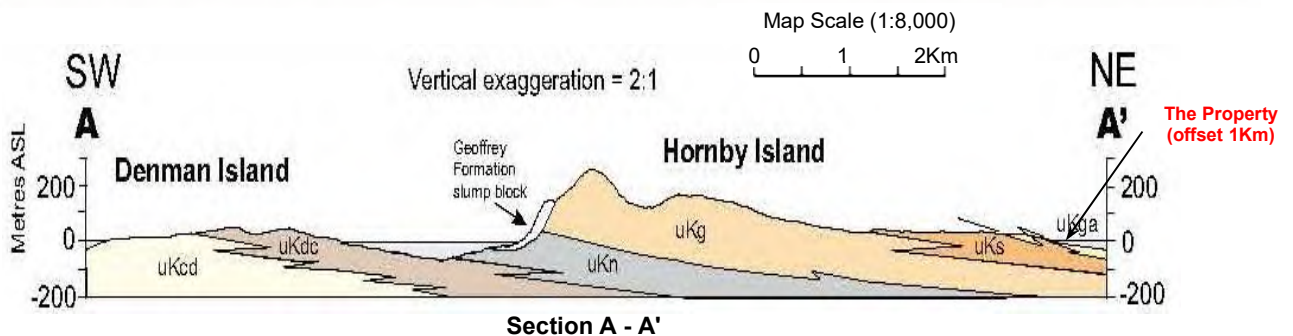
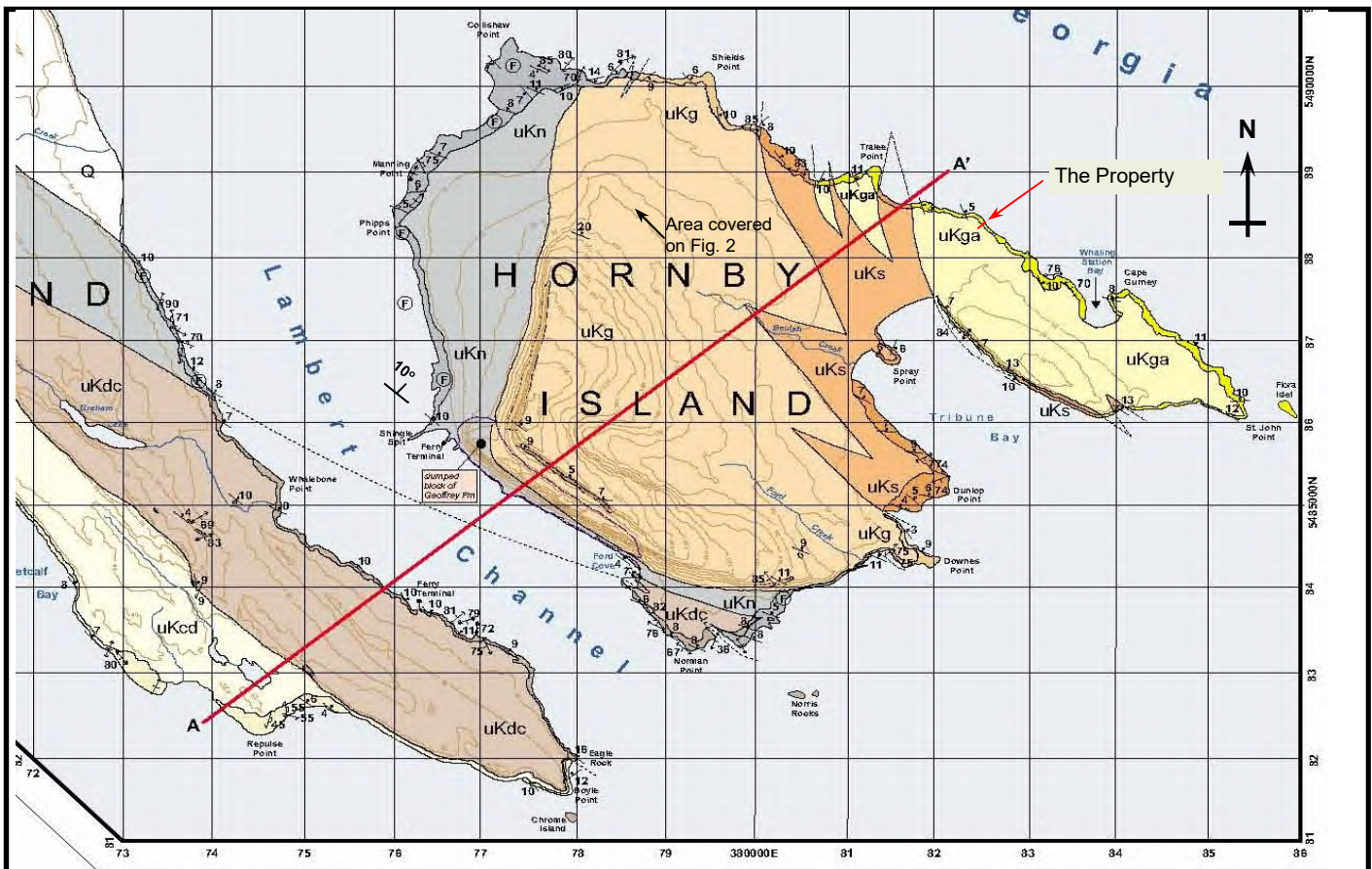
Drawn:

Date
Apr. 2024

Approved:

Fig. **1**





GEOFFREY FORMATION: Thick-bedded, channelized, clast-supported pebble-cobble conglomerate containing predominantly mafic and felsic extrusives and mafic intrusive clasts; in a matrix of medium-grained, light olive grey sandstone. Conglomerate is interbedded with medium- to coarse-grained, light olive grey, massive, parallel and current ripple laminated, thick-bedded sandstone (feldspathic litharenite); minor mudstone.



SPRAY FORMATION: Massive, olive grey mudstone (65%) intercalated with thin- to locally thick bedded, light olive grey, massive, parallel and current ripple laminated sandstone (feldspathic litharenite to lithic arkose arenite, 35%) containing 5-7% detrital mica.



GABRIOLA FORMATION: Thick-bedded, channelized, clast-supported, pebble-cobble conglomerate containing predominantly mafic and felsic extrusive clasts; interbedded with medium-grained, poorly to moderately sorted, light olive grey, massive sandstone (feldspathic litharenite) with 5% detrital mica; minor mudstone.

NOTES

1) Base map from Katnick, D.C. and Mustard, P.S. 2001

1427714 BC Ltd

ELANCO ENTERPRISES LTD.
Victoria, B.C. (250 744-1357)
Permit to Practice No: 1001505

Assessment of Setback Distance Between Wastewater Treatment System and Water Supply Wells, 6555 Anderson Drive Property, Hornby Island, B.C.

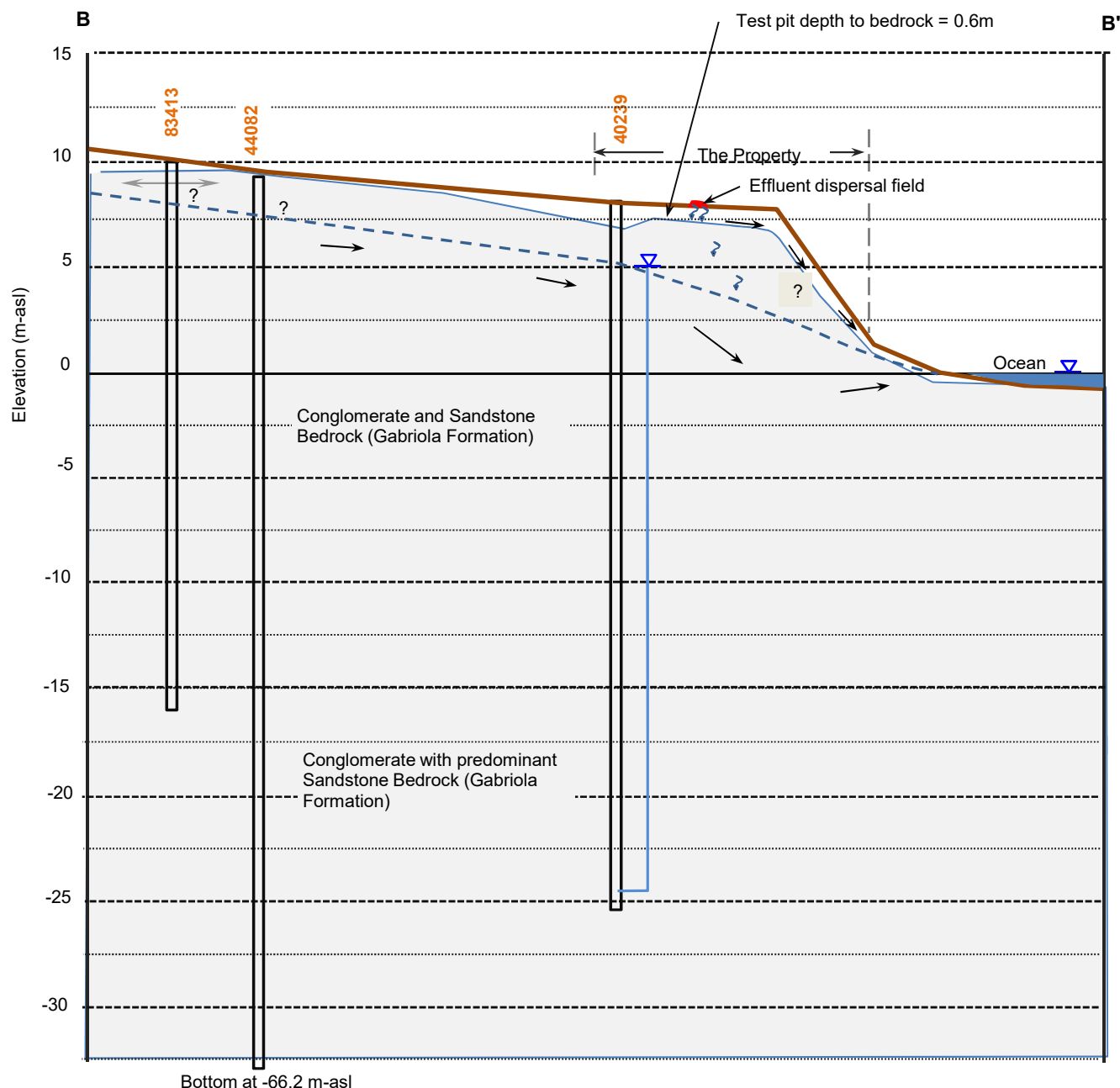
Regional Geology Map and Profile

Drawn: Date: Apr. 2024

Approved: Fig. **3**

West

East



NOTES

- 1) See location of section on Fig. 1 and details of wells on Tables I and II.
- 2) Ground elevations are based on 2m contours presented on Islands Trust web site except on the Property where surveyed elevations are available..

1427714 BC Ltd

ELANCO ENTERPRISES LTD.
Victoria, B.C. (250 744-1357)
Permit to Practice No: 1001505

Assessment of Setback Distance Between
 Wastewater Treatment System and Water
 Supply Wells, 6555 Anderson Drive Property,
 Hornby Island, B.C.

HYDROGEOLOGICAL SECTION B - B'

Drawn:

Date

Apr. 2024

Approved:

Fig. **4**

64

Appendix A

Coliform Reduction Calculations Prepared by R. McMurtrie. P. Eng.

Ron McMurtrie and Associates, Consulting Engineers

Wastewater System Specialists

Comox/Hornby Island, BC 250-335-2685

jasbreez@island.net

Client: Duncan White
Job No: 1065
Project Address: 6555 Anderson Drive, Hornby Island, BC
Date: 2024-03-23 Revision 1
By: Ron McMurtrie, P.Eng.

Pathogen Reduction in Unsaturated Soil

Method: Design Guidance (Minnesota Pollution Control Agency, 2005).

FCB = Fecal coliform bacteria (as indicator of pathogen density)

	Daily Design		Average Daily	
	Flow (DDF)		Flow (ADF)	
	<u>1,500</u>	litres / day	<u>750</u>	litres / day
Layer 1: C33 Mound Sand				
Mound Sand	<u>sandy soil class</u>		<u>sandy soil class</u>	
Pathogen density (FCB) in effluent:	<u>1,000,000</u>	CFU / 100 mL	<u>1,000,000</u>	CFU / 100 mL
Pathogens as a log value, top of Layer 1:	<u>6.00</u>		<u>6.00</u>	
Estimated reduction in FCB in clogging mat:	<u>2.0</u>	log reduction	<u>2.0</u>	log reduction
Dosing frequency:	<u>18</u>	doses / day	<u>9</u>	doses / day
Soil HLR:	<u>30</u>	mm / day	<u>15</u>	mm / day
	<u>0.74</u>	US gpd / sqft	<u>0.37</u>	US gpd / sqft
FCB reduction in unsaturated soil (from chart):	<u>0.185</u>	log / inch	<u>0.18</u>	log / inch
Soil depth	<u>45</u>	cm	<u>45</u>	cm
Log reduction of FCB in Layer 1:	<u>3.28</u>	log	<u>3.19</u>	log
Expected FCB density at bottom of Layer 1:	<u>0.72</u>	log	<u>0.81</u>	log
	<u>5</u>	CFU / 100 mL	<u>6</u>	CFU / 100 mL
Layer 2: Native Basal Soil				
Sandy Loam	<u>loamy soil class</u>		<u>loamy soil class</u>	
Pathogen density (FCB) in effluent:	<u>5</u>	CFU / 100 mL	<u>6</u>	CFU / 100 mL
Pathogens as a log value, top of Layer 2:	<u>0.72</u>		<u>0.81</u>	
Estimated reduction in FCB in clogging mat:	<u>0.0</u>	log reduction	<u>0.0</u>	log reduction
Dosing frequency:	<u>18</u>	doses / day	<u>9</u>	doses / day
Soil HLR:	<u>25</u>	mm / day	<u>14</u>	mm / day
	<u>0.61</u>	US gpd / sqft	<u>0.34</u>	US gpd / sqft
FCB reduction in unsaturated soil (from chart):	<u>0.24</u>	log / inch	<u>0.22</u>	log / inch
Soil depth	<u>50</u>	cm	<u>50</u>	cm
Log reduction of FCB in Layer 2:	<u>4.72</u>	log	<u>4.33</u>	log
Expected FCB density at bottom of Layer 1:	<u>-4.00</u>	log	<u>-3.52</u>	log
	<u>0.0001</u>	CFU / 100 mL	<u>0.0003</u>	CFU / 100 mL

Conclusion

<10 CFU/100ml at base of sand mound/top of native soil

Approaches full disinfection prior to reaching the flow restrictive layer (conglomerate bedrock)



NOTICE
HO-DVP-2023.2
HORNBY ISLAND LOCAL TRUST COMMITTEE

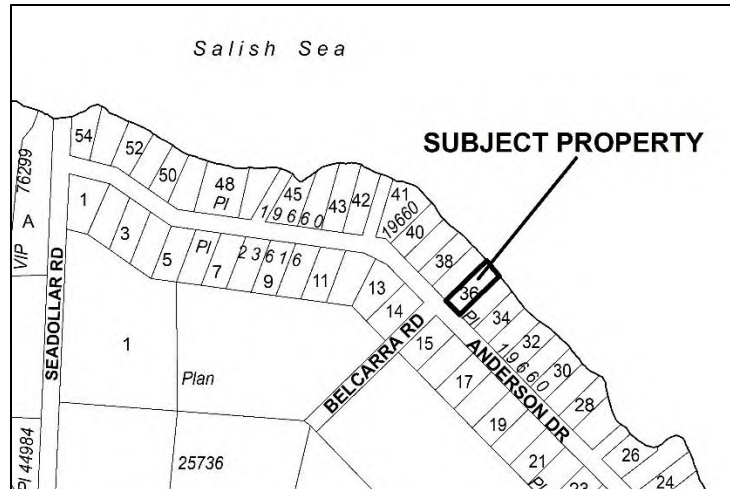
NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Hornby Island Land Use Bylaw No. 150, 2014 by:

- Permitting a septic disposal field up to 25.0 metres from the existing water wells on the subject and neighbouring properties under an approved design by a Registered Engineer and Wastewater Technician;
- Permitting the siting of a septic tank within 12 metres of the natural boundary of the sea.

The property is located at **6555 Anderson Drive, Hornby Island, BC** and is legally described as:

LOT 36, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 19660 (PID: 003-603-806).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 31, 2024** and continuing up to and including **June 14, 2024**.

A copy of the Development Variance Permit may be found online at <https://islandstrust.bc.ca/island-planning/hornby/current-applications/>

Enquiries or comments should be directed to Ian Cox, Planner 2 at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **June 13, 2024**.

The Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its Business Meeting to be held at **11:30 a.m., June 14, 2024 at Room to Grow, 2100 Sollans Road, Hornby Island**.

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

Nadine Mourao, Deputy Secretary

PROPOSED



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2023.2**

To: 1427714 BC LTD

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

LOT 36, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 19660
(PID: 003-603-806)

2. Pursuant to Section 498 of the *Local Government Act*, the Hornby Island Land Use Bylaw 150, 2014, PART 3 GENERAL REGULATIONS, section 3.3 Siting and Setback Regulations, subsection (2), "No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea."; and subsection (7), "Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.", is varied as follows:
- from 15.0 metres to 12.0 metres to accommodate installation of a new septic tank; and
 - from 30.0 metres to 25.0 metres from the existing wells on the subject and neighbouring properties to accommodate installation of a new septic disposal field.
4. The development shall be consistent with Schedule 'A' – Site Plan, and Schedule "B" - Septic System Design Letter, that are attached to and form part of this permit.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Hornby Island Land Use Bylaw No. 150, 2014" and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXth DAY OF XX, 20XX (2 YEARS FROM DATE OF ISSUANCE) THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2023.2

SCHEDULE 'A' – Site Plan
BEGINS ON NEXT PAGE

PROPOSED

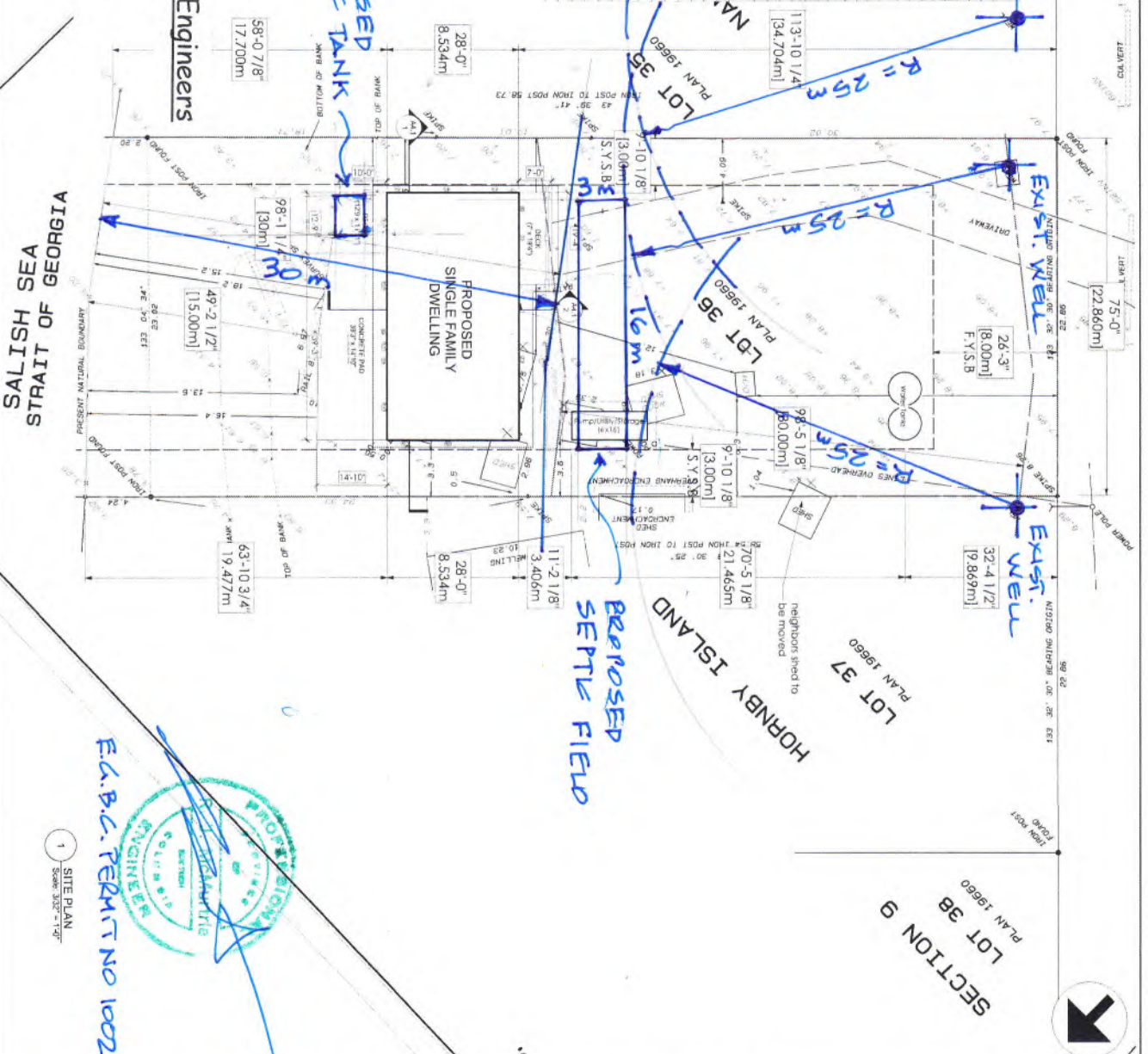
PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2023.2

SCHEDULE 'B' – Septic System Design Letter
BEGINS ON NEXT PAGE

PROPOSED

6555 ANDERSON DRIVE, HORNBY ISLAND

CIVIC ADDRESS
NECARTMOHOG[illegible]

Ron McMurtrie and Associates, Consulting Engineers
Wastewater System Specialists

Comox/Hornby Island, BC 250-335-2685

BY: RM 2024-04-09
PROJECT NO. 1065

1 SITE PLAN
Scale: 3/32" = 1'-0"

F.A.B.C. PERMIT NO 1002218

A1.1

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Built
Green

DATE ACROSS-SS	
LEGAL DESCRIPTION	
LOCAL AUTHORITY	
SO FOOTAGE	
DESIGNATION	
ORIGIN, BY	
RESULTS FOR:	
	15
	A1.1
FOR NO.	
Date: 14-03-2014	
Time: 10:07:27 AM	

April 9, 2024

Mr. Duncan White
[REDACTED]
[REDACTED]

Sent via email: [REDACTED]

**RE: ON-SITE SEWAGE SYSTEM, 6555 ANDERSON DRIVE, HORNBY ISLAND
OUR FILE: 1065**

Dear Sir:

We have completed our site and soil evaluation for a sewerage system to serve a proposed new dwelling at the above noted address. The Daily Design Flow (DDF) is 1500 litres per day in accordance with the BC Sewerage System Regulation (SSR), Standard Practice Manual (SPM-V3).

As shown on the attached plan, the system setback to property lines is greater than 3.0m. The septic field setback to Marine Water is greater than 30m. The proposed septic field setback to the well on the property and to two neighbouring wells is less than 30m and greater than or equal to 25m. As required by the SSR, for systems situated less than 30m to a well that supplies a domestic water system, a well setback reduction assessment must be carried out by a Professional competent in hydrogeology. The report by Mr. Allan Dakin, P.Eng. has been prepared specifically for this proposed design.

The design consists of septic tank Type 1 pre-treatment and a timed micro-dose sand mound drainfield using pressure distribution with an infiltration area of 3.0m x 16m (see attached plan) designed in accordance with SPM-V3 and Engineers and Geoscientists B.C., Professional Practice Guidelines, Onsite Sewerage Systems.

I trust this letter and the attached plan meet your needs regarding your application to Islands Trust for a Development Variance Permit.

Yours truly,



Ron McMurtrie, P.Eng.
E.G.B.C. Permit to Practice No. 1002218





K'ómoks First Nation
3330 Comox Rd, Courtenay, BC V9N 3P8

**Cultural Heritage Investigation
PERMIT (CHIP)**

1. Administrative Information

KFN CHIP Number: KFN 2023-38

Permit Holder Name: Duncan White

Permit Holder Affiliation: 1427714 B.C. Ltd.

Address: 4135 Ripple Road

Street Address

West Vancouver

BC

V7V 3L1

City

Province

Postal Code

Phone: Email:

2. CHIP Details

Site Location: 6555 Anderson Drive, Hornby Island, BC

Borden Number(s) of registered archaeological sites:

N/A

Activities covered under this KFN CHIP:

Preliminary Field Reconnaissance (PFR) to inspect exposed surfaces for archaeological remains and to assess the property for potential of having buried archaeological deposits. Work conducted by a qualified archaeologist with a KFN monitor, in accordance with KFN Cultural Heritage Police (CHP).

Repository for any KFN cultural heritage objects or artifacts:

None-no collections.

Issuance date: 8 Nov 2023

Expiry date: 8 Nov 2025

A handwritten signature in black ink, appearing to be a stylized 'A' or 'B' with a long horizontal stroke extending to the right.

Signatory, Elected Chief

K'ómoks First Nation Cultural Heritage Investigation Permit (KFN CHIP)

Terms and Conditions

- The KFN Cultural Heritage Investigation Permit is valid for two years from the time of issuance. If the project is not completed within two years, and additional KFN Cultural Heritage Investigation Permit will need to be applied for.
- All fieldwork undertaken under this permit will include a KFN Guardian Watchman or KFN Archaeological Monitor for the duration of the fieldwork.
- Projects may require an additional project management fee, in addition to the permit fee, to be paid by the proponent.
- **If human remains are identified as a result of project related activities, the permit holder will immediately cease work, contact KFN, and follow KFN's specific requirements regarding human remains as detailed in the KFN Cultural Heritage Policy.**
- If human remains are removed as a result of project related activities, the proponent will bear the costs associated with reburial.
- Upon completion of fieldwork, the permit holder will make reasonable efforts to restore the physical appearance of the site.
- KFN will have a chance to review and comment upon the penultimate draft of the permit report.
- Upon completion of the project, KFN will be provided one digital and one paper copy of the final report.
- KFN retains the right to terminate this permit if evidence indicates that the permit holder is not acting under the terms and conditions of the permit.

DATE OF MEETING: June 14, 2024

TO: Hornby Island Local Trust Committee

FROM: Warren Dingman, Manager - Compliance and Enforcement
Local Planning Services

SUBJECT: Bylaw Enforcement Notice Amendments

RECOMMENDATIONS

1. That Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024”, be read a first time.
2. That the Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024”, be read a second time.
3. That the Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024”, be read a third time.
4. That the Hornby Island local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The report provides an explanation of the current amendments proposed for the contravention Schedules for the Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 159, 2019.

RATIONALE FOR RECOMMENDATIONS

The Hornby Island Local Trust Committee rescinded Siting and Use Bylaw No. 52 in May 2022, and there is currently no means to enforce the new Siting and Use Bylaw No. 168, other than court action, and therefore a new Schedule B referencing Bylaw No. 240 is proposed so that the Bylaw Enforcement Notice (BEN) system can be used to obtain compliance.

Amendments to the penalty schedules have also been made in order to simplify the appearance, make referencing the document easier, and there is a standard \$300 surcharge for the non-payment of penalties. Major contraventions have been assigned a penalty of \$500 and minor contraventions a penalty of \$350.

There is also a penalty added for failing to obtain a development permit in development permit areas. Section 4 of the *Local Government Bylaw Enforcement Notice Act* states that a local government may designate bylaw

contraventions which may be dealt with by bylaw notice and this is an opportunity to adopt an enforcement tool other than costly and time consuming legal action.

ALTERNATIVES

The Local Trust Committee may wish to suggest edits regarding the penalty amounts for major and minor contraventions, and the amount of the surcharge for any non-payment of a bylaw notice, before considering adopting the new schedules.

Submitted By:	Warren Dingman Manager - Compliance & Enforcement	May 28, 2024
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	May 29, 2024

Attachment

1. Draft Bylaw No. 175

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

Bylaw Section	Description The following penalties apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300.00 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.3	Fail to permit inspection	\$500.00	\$400.00	\$800.00	Yes	100%
3.2	Prohibited use, building, or structure	\$500.00	\$400.00	\$800.00	Yes	100%
3.3	Non Permitted Siting	\$500.00	\$400.00	\$800.00	Yes	100%
3.4.	Fail to comply with height regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fail to comply with Home Occupation regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fail to comply with Bed and Breakfast regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.7	Fail to comply with Vacation Home Rental regulations	\$500.00	\$400.00	\$800.00	Yes	100%
3.8	Fail to comply with Secondary Suite regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.9	Over height Fence	\$350.00	\$250.00	\$650.00	Yes	100%
3.10	Fail to comply with Screening regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.11	Fail to comply with temporary dwelling regulations	\$500.00	\$400.00	\$800.00	Yes	100%
3.12	Storage of Derelict automobiles, vessels, or mechanical equipment	\$500.00	\$400.00	\$800.00	Yes	100%
4.1	Fail to comply with sign regulations	\$350.00	\$250.00	\$650.00	Yes	100%
5	Fail to comply with parking regulations	\$350.00	\$250.00	\$650.00	Yes	100%
8.1-8.27	Non Permitted Use in Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%
8.1-8.27	Non Permitted siting, height, size or lot coverage in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
8.1-8.27	Non Permitted Density Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%

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

Bylaw Section	Description The following penalties apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300.00 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.1-8.27	Fail to comply with Site Specific regulations in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
9.1-6	Fail to obtain a Development Permit	\$500.00	\$400.00	\$800.00	Yes	100%

Schedule B
HORNBY ISLAND SITING AND USE PERMIT BYLAW NO. 168, 2021
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment including \$300 Surcharge Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3	Fail to obtain Siting and Use Permit	\$500.00	\$400.00	\$800.00	Yes	100%



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19th, 2024 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
 - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
 - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
 - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
 - ITC presence at the 50th anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
 - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
 - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
 - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
 - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
 - Removal of all equipment at the end of the project

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



the Heron



A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | islandstrust.bc.ca/conservancy

SPRING 2024

Take me home! 
This newsletter is provided FREE by ITC

What is a Nature Reserve?



 SCAN ME

ITC Nature Reserve on Salt Spring Island within the territory of many Coast Salish Nations.

Photo: Islands Trust Conservancy

For links and additional media, visit the Heron Newsletter online.

www.islandstrust.bc.ca/conservancy/heron-newsletter/

ALSO IN THIS ISSUE



Meet our New Team Members p. 3



ERICA WHEELER (L), MIKE RICHARDS (R)
PHOTO: ISLANDS TRUST CONSERVANCY



HERBACEOUS ECOSYSTEM
PHOTO: ISLANDS TRUST CONSERVANCY

We Want to Hear From You p. 4 85

The Herons Return to Salt Spring Island

It was a warm afternoon in the summer of 2022 when Nuala Murphy, Islands Trust Conservancy's Property Management Specialist, was on her last monitoring visit of the day at one of ITC's properties on Salt Spring Island. As she walked down the trail from the road, joined by our summer Conservation Technician and a staff member from Salt Spring Island Conservancy, they all stopped as they heard sounds coming from the trees above them. Looking up, they saw three large and messy nests, and on the ground, broken shells.

"I felt so lucky to be there that day as the Herons hadn't been seen in years."

– Nuala Murphy, Property Management Specialist,
Islands Trust Conservancy



GREAT BLUE HERON. PHOTO: L. WILCOX

As they pulled out their phones to record the sounds, a Great Blue Heron swooped into the nest, returning to feed the hungry babies crying out. Seeing the Great Blue Herons return is one of many examples of species that have been conserved through the creation of an ITC Nature Reserve.

What is a Naure Reserve?

The purpose of Islands Trust Conservancy's Nature Reserves is to preserve and protect natural ecosystems and species forever. In her role, Nuala undertakes activities in the Nature Reserves including monitoring, surveys, research, and trail maintenance to preserve the biological integrity of the protected areas.



COMMUNITY LEARNING IN AN ITC NATURE RESERVE.
PHOTO: ISLANDS TRUST CONSERVANCY

14 of ITC's Nature Reserves are not open to the public. In our 20 public Nature Reserves, we welcome visitors, and allow activities including hiking on trail, bird watching, and dog walking on leash. To limit human impact in the unique and sensitive places we protect, we don't allow camping, fires, horseback riding, cycling or the use of motorized vehicles. Thank you for treading lightly!

Reflecting back on that moment of seeing the Heron two years ago, Nuala is reminded that our health and well being is inextricably linked to the health and well being of species and ecosystems. "When we work together to preserve these protected areas, we're ensuring not only their survival, but our own, and that brings me hope and encourages me to keep going."

Learn more about ITC Nature Reserves at <https://islandstrust.bc.ca/conservancy/protected-places/>.



PHOTO: LISA WILCOX

Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and that their deep connection to the islands continues to this day. We are committed to reconciliation, to upholding the rights of Indigenous peoples, and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located in the treaty and territorial lands and waters of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilw'ətəl, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, la?əmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOLELP, WSIKEM, Xeláltxw, Xwémalhkwa, Xwsepsum, and x'wəθk'əy.

Meet our New Team Members



ERICA IN GRISWOLD PASS IN THE COAST MOUNTAINS.

Erica Wheeler, Species at Risk Program Coordinator

Introducing Erica: nature-lover, plant enthusiast, and beginner knitter. Erica grew up at the base of Mount Seymour on the unceded territory of the Cayuse, Umatilla, Walla Walla, səɪ ɪlwəta ʔ təməxʷ (Tsilil-Waututh), Skwxwú7mesh-ulh Temíx w (Squamish), šxʷməθkʷəy̓əma ʔ təməxʷ (Musqueam), and S'ólh Téméxw (Stó:lo) Nations, spending time outside on the Salish Sea or in the rainforest. “It’s a place that very much feels like home.” Erica has worked as a tree planter, and most recently, a Botanist, studying plant species at risk. She used DNA to understand genetic variation within species at risk, and whether genetic variation can be bolstered to increase survival in the face of threats such as climate change.

In her spare time, Erica enjoys swimming in the ocean, hiking in the alpine, and jamming out to Songbird by Fleetwood Mac. Ask Erica about botanizing, also known as “doodling along and looking for cool plants,” and her favourite species at risk, the slim-leaf onion (*Allilum amplexans*). Connect with Erica today to learn more about our Species at Risk Program at SAR@islandstrust.bc.ca.

Mike Richards, Strategic Fund Development Specialist

When asked to describe himself in three words, Mike shared that he is a knowledge-seeker, outdoor-lover, and eternal optimist. Originally from Australia, Mike came to Canada in 1997 and has lived in the Gulf Islands for 26 years. “I have a deep love for this area and the biodiversity in the region.”

Mike came to Islands Trust in 2014 as the Grants Program Manager excited to contribute to the preserve and protect mandate. When the opportunity became available to lead Strategic Fundraising at the Conservancy, he jumped at it! He is looking forward to strengthening relationships with landowners, donors, and organizations in supporting them to make an impact and give back to the islands we love.

Ask Mike about his love of squirrels, fear of bears, and his adventures travelling the Gulf Islands in his sailboat. Connect with Mike today to discuss strategic giving workshops, estate planning, and leaving a gift in your Will at itcmail@islandstrust.bc.ca.



MIKE PARTAKING IN ONE OF HIS FAVOURITE PASTIMES; SAILING THE ISLANDS IN THE SALISH SEA.

Calling all ITC landowners and donors! Share your story

We want to share your story about why you supported Islands Trust Conservancy through protecting land, donating or helping out in other ways. Contact our Communications Specialist to have your story featured in a Heron Newsletter.

 250-405-5171

 communications@islandstrust.bc.ca



The Heron Newsletter

The Heron Newsletter is Islands Trust Conservancy's good news and stories publication. Shared three times a year in the spring, summer, and fall, the newsletter is created for our subscribers in both print and digital formats.

We want to hear from you!

If you are a print publication subscriber to the Heron Newsletter, we want to know if you wish to continue receiving a paper copy of the newsletter. If yes, that's great! We'll keep you on the list.

If you wish to change your subscription preferences to only receive a digital copy of the newsletter, please get in touch with our Communications Specialist. Thank you for your continued support of our work.

 250-405-5171

 communications@islandstrust.bc.ca

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 250-405-5186  itcmail@islandstrust.bc.ca

Or mail to: 200-1627 Fort Street, Victoria, BC V8R 1H8

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 SCAN ME

☐ Yes, I am okay with public recognition of my donation.

My donation amount: ☐ \$50 ☐ \$100 ☐ \$200 ☐ \$_____

I wish to donate by:

☐ Cheque (made payable to the Islands Trust Conservancy)

☐ Visa ☐ MasterCard

Card Number

Expiry Date
mm/yy

Security Code
(back of card)

Signature

*Islands Trust Conservancy is a qualified donee as a Crown agent under B.C.'s *Islands Trust Act*. Islands Trust business # 122013576 RT0001

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2023.2	Ron McMurtrie & Associates Planner: Ian Cox	26-Sep-2023	PID: 003-603-806 proposing to move the existing septic system at 6555 Anderson Drive on Hornby Island.
Planning Status			
<u>Status Date:</u> 04-Jun-2024 June 14th LTC regular agenda item.			
<u>Status Date:</u> 07-May-2024 Potential June LTC agenda.			
<u>Status Date:</u> 03-Jan-2024 On hold pending updated information on septic field location and new plans. Applicant indicates March/April 2024.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2024.6	Eskes, Nicole & Martin Planner: Gillian Nicol	21-Mar-2024	Construct a new SFD at 2085 Periwinkle Place on Hornby.
Planning Status			
<u>Status Date:</u> 04-Jun-2024 Under review. Currently going for a CHIP permit application			
File Number	Applicant Name	Date Received	Purpose
HO-SUP-2024.7	Moore, Lorna and Rhory Planner: Gillian Nicol	10-Apr-2024	
Planning Status			
<u>Status Date:</u> 04-Jun-2024 Under review.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.3	Hornby Island Co-Operative Association Inc.	28-Oct-2020	PID: 026-371-791 Water extraction & sales Civic address: 5875 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 04-Jun-2024

Transferred from M. McCargar to I. Cox. Staff to issue TUP following receipt of prov. license. (to be issued as batch with others in 2024 per staff communication with water authorizations).

Status Date: 15-Sep-2022

File transferred from RPM Kauer to Island Planner Marlis McCargar. No water license has been received as of this date. The permit expires on March 26, 2024 but the use is not permitted until a water license has been received.

Status Date: 25-Oct-2021

File transferred from Planner Cox to RPM Kauer.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending March 2024

635 Hornby	Invoices posted to Month ending March 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	244.00	0.00	244.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	861.00	2,667.45	-1,806.45
65210-635	LTC - Local Exp - APC Meeting Expenses	333.00	430.28	-97.28
65220-635	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-635	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>1,720.00</u>	<u>3,097.73</u>	<u>-1,377.73</u>
Projects				
73001-635-2004	Hornby OCP/LUB	<u>15,000.00</u>	<u>15,315.30</u>	<u>-315.30</u>
TOTAL Project Expenses		<u>15,000.00</u>	<u>15,315.30</u>	<u>-315.30</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 <u>UPDATES-below:</u> September 28, 2018 November 6, 2020 October 8, 2021	HO-2017-011 <u>UPDATES-below:</u> HO-2018-070 HO-2020-081 HO-2021-053	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.

No.	Meeting Date	Resolution No.	Issue	Policy
				- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the Local Trust Committee.
3.	September 28, 2018	HO-2018-070 See HO-2017-011 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee extend the effective period of Standing Resolution HO-2017-011 to expire on October 31, 2020 or when the Housing Review Project is complete, whichever is the sooner.
4.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
5.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: 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.
6.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: • Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. • More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

No.	Meeting Date	Resolution No.	Issue	Policy
				- While the property is rented, additional persons are staying in tents, trailers or recreational vehicles. - There are issues related to health and safety in accordance with the Land Use Bylaw. - There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people. - The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149: - that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or - where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or - where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring. - The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental. - A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.
7.	June 26, 2020	HO-2020-055	Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Hornby Island Local Trust Area.
8.	November 6, 2020	HO-2020-074	Proactive Enforcement of Year-Around Unlawful Housing	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

No.	Meeting Date	Resolution No.	Issue	Policy
9.	November 6, 2020	HO-2020-081 See HO-2017-011 HO-2018-070 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.
10.	October 8, 2021	HO-2021-053 See HO-2017-011 HO-2018-070 and HO-2020-081 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.
11.	October 8, 2021	HO-2021-054	Enforcement actions on unlawful permanent dwellings – deferral	It was MOVED and SECONDED, that Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.
12.	September 9, 2022	HO-2022-053	Model Cell Tower Consultation Process	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.

Active Projects Report

Hornby Island

1. Major Project - Hornby Island Official Community Plan and Land Use Bylaw Review

Responsible

Dates

Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package. Update: add consideration of steep slope area regarding heritage portion of central road to ford cove and consideration of wetland categories.

Sonja Zupanec

Rec'd: 06-Nov-2020

2. Minor Project - Heritage Register

Responsible

Dates

Establish a heritage register. LTC resolution to endorse project charter December 13, 2023. Advocacy, Policy

Ian Cox

Rec'd: 13-Dec-2023

Future Projects Report

Hornby Island

1. OCP

Responsible

Date Received

- Ford's Cove Neighbourhood and Transportation Plan
- Aquifer Classification System: A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021
- Freshwater Sustainability: LTC project absorbed into regional project managed by RPC in 2018-2022 term

09-Sep-2022

2. OCP & LUB

Responsible

Date Received

- Climate Change: Address climate change through amendments of OCP policies and LUB regulations
- Regional Conservation Plan: Consider amendments to the OCP and LUB that would make these documents consistent with the Regional Conservation Plan

09-Sep-2022

3. Advocacy and Communications

Responsible

Date Received

- Marine Protection: Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection.

09-Sep-2022

4. LUB

Responsible

Date Received

- Consider zoning amendments to allow chickens (but not roosters) in all zones.
- Consider excluding cisterns from setback regulations.

09-Sep-2022

Future Projects Report

Hornby Island

5. *Administrative*

Responsible

Date Received

- Consider the use of Covenants (enabled under S. 219 of the Land Title Act) in conjunction with rezoning applications, to reduce the direct impacts of development on Indigenous culturally sensitive areas.

20-Jan-2023

6. *Bylaw Enforcement*

Responsible

Date Received

7. *First Nations*

Responsible

Date Received

- Participate in heritage and traditional knowledge mapping with the K'omoks First Nation.
- Consider the use of covenants in conjunction with rezoning application to reduce the direct impacts of development on indigenous culturally sensitive areas.
- improve communications with K'omoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.
- Consider the development of an agreemetn similar to the qathet Regional District, City of Powell River and Tla'amin First Nation.
- Work with K'omoks First Nation to determine how they wish to be engaged, information circulated in review of development and policy plans.
- Consider inviting K'omoks representatives to attend as non voting members and Advisory Planning Commission and Local Trust Committee meetings.

05-May-2023