

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: March 26, 2021
Time: 10:00 am
Location: Electronic Meeting

Pages

- | | | |
|-----------|---|---------------------|
| 1. | CALL TO ORDER | 10:00 AM - 10:05 AM |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | |
| 2. | APPROVAL OF AGENDA | |
| 3. | REPORTS | 10:05 AM - 10:25 AM |
| | 3.1. Trustee Reports | |
| | 3.2. Chair's Report | |
| | 3.3. Electoral Area Director's Report | |
| 4. | TOWN HALL | 10:25 AM - 10:35 AM |
| 5. | DELEGATIONS - none | |
| 6. | MINUTES | 10:35 AM - 10:40 AM |
| | 6.1. Local Trust Committee Minutes dated January 29, 2021 - for adoption | 4 - 15 |
| | 6.2. Local Trust Committee Public Hearing Record dated January 29, 2021 - for receipt | 16 - 18 |
| | 6.3. Section 26 Resolutions-without-meeting - none | |
| | 6.4. Advisory Planning Commission Minutes dated February 11, 2021 - for receipt | 19 - 21 |
| 7. | BUSINESS ARISING FROM MINUTES | 10:40 AM - 10:45 AM |
| | 7.1. Follow-up Action List Report dated March 17, 2021 | 22 - 25 |
| | 7.2. Advisory Planning Commission - Response to Referral - Bylaw No. 159 Schedule A and B | 26 - 51 |
| 8. | APPLICATIONS AND REFERRALS | 10:45 AM - 11:45 AM |

8.1.	HO-TUP-2020.3 (Co-op) - Staff Report	52 - 78
8.2.	HO-DP-2021.1 (Walmsley) - Staff Report	79 - 106
8.3.	HO-ALR-2021.1 (Stead) - Staff Report	107 - 121
8.4.	HO-RZ-2020.1 (Kramer) - Staff Report	122 - 141
9.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:05 PM
9.1.	Minimum Average Lot Area Amendments Project (MALA) - Staff Report	142 - 165
----- BREAK 12:05 PM TO 12:35 PM -----		
10.	CORRESPONDENCE	12:35 PM - 12:40 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
10.1.	Letter dated March 6, 2021 from Hornby & Denman Community Health Care Society regarding Transportation Issues	166 - 168
11.	NEW BUSINESS	12:40 PM - 12:55 PM
11.1.	Advisory Planning Commission - Next Steps - for discussion	
12.	REPORTS	12:55 PM - 1:05 PM
12.1.	Trust Conservancy Report dated January 26, 2021	169 - 171
12.2.	Applications Report dated March 17, 2021	172 - 179
12.3.	Trustee and Local Expense Report dated January, 2021	180 - 180
12.4.	Adopted Policies and Standing Resolutions	181 - 185
12.5.	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:05 PM - 1:15 PM
13.1.	Top Priorities Report dated March 17, 2021	186 - 186
13.2.	Projects List Report dated March 17, 2021	187 - 188
14.	INFORMATION ITEMS	1:15 PM - 1:25 PM
14.1.	Truth Precedes Reconciliation	189 - 193
14.2.	Reconciliation Report 2019-2021	194 - 224

14.3. News Release dated January 21, 2021 - Islands Trust Actively Promotes Regional Collaboration

225 - 226

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for Friday, May 21, 2021 at 10:00 am via Zoom Electronic Meeting

16. CLOSED MEETING - none

17. ADJOURNMENT

1:25 PM - 1:25 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: January 29, 2021
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Courtney Simpson, Planner
Wil Cottingham, Administrative Assistant
Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:03 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

2.1 Resolution to Continue to Hold Electronic Meetings

HO-2021-001

It was MOVED and SECONDED,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

3. RISE AND REPORT - IN CAMERA MEETING OF NOVEMBER 6, 2020

Chair Fast reported that in the In Camera meeting of November 6, 2020 the Local Trust Committee (LTC) adopted the In Camera minutes of January 24, 2020 and made an appointment to the Advisory Planning Commission (APC).

4. COMMUNITY INFORMATION MEETING

4.1 Rezoning - HO-RZ-2018.1 - Bylaw Nos. 164 and 165 - Planner Presentation

Planner Simpson explained that this is the second Community Information Meeting (CIM) being held for this application due to a notification error in the previous Public Hearing. She advised that the purpose of this CIM is for the public to learn about and to ask questions about the amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow a two-lot subdivision for the property at 5020 Fowler Road. She reported that submissions have been received and the Public Hearing that follows will be the final opportunity to provide input on these bylaws.

The following key points were noted:

- The property is 3.98 hectares; The minimum average lot area required for subdivision is four hectares; request is being made to allow two lots to be created for the current 3.9 hectares;
- The OCP would change the land use designation from Rural Residential to Small Lot Residential and the LUB zoning from Residential 2 to Residential 1 – R1(c) with associated text amendments and map changes;
- The Islands Trust Senior Freshwater Specialist conducted a site visit; the LTC reviewed the outcome and observations of the site visit at the September 11, 2020 LTC meeting;
- Bylaw referrals were identified with one response received from the Islands Trust Senior Freshwater Specialist;
- The Islands Trust website includes all relevant information on the application, timeline, proposed map amendments; and next steps were identified.

The floor was opened for questions with the following comments noted:

- Joan Harris – How many hectares are in ten acres? Why would this not be subdividable into five-acre lots?
 - The minimum lot size in this zone is four hectares so lots cannot be created that are less than four hectares.
- David Henderson - Does the Islands Trust have any evidence of an error in the surveying document?
 - The Islands Trust does not have any information to support the claim that a survey error was made.
- Christina Laffin – Have all Trustees received and fully read the full agenda with Staff Report and all the correspondence relating to this rezoning? What options are available for those members of the public who are having technical difficulties and are not able to join this Zoom webinar?
 - All Trustees confirmed that they have received and reviewed all information for this application. Phoning in is an option for those who are not able to connect electronically; and phone numbers and the webinar ID were provided.
- Karen Ross – Have there been any discussions of possible options to create additional housing on this lot which might help with the housing shortage crises on Hornby Island?

- The larger issue of addressing the housing shortage has not been discussed in this situation as it is a property owner-initiated request for a rezoning and the Islands Trust is reviewing what has been requested.
- Kihan Yoon-Henderson – If this subdivision proceeds, will further subdivision be possible on this property?
 - The rezoning amendments have been written to ensure that there would be no further subdivision allowed; however, a future rezoning application could request subdivision and that application would receive the same process and public consultation as this one has.

By general consent the meeting was adjourned at 10:35 am and reconvened at 10:37 am.

- Ryan May – How does further development of large tracts of land on Hornby Island and increasing density reinforce the OCP, provide benefit, or address issues facing the island in the long term?
 - There have been no community benefits identified.

Chair Fast invited the applicant to speak.

- David Wiseman expressed his appreciation for this meeting and the Staff Report provided in today's agenda. He confirmed his desire to proceed with this rezoning process.

5. PUBLIC HEARING - Bylaw Nos. 164 and 165

5.1 Recess for Public Hearing

By general consent the meeting was recessed for the Public Hearing at 10:46 am.

5.2 Recall to Order

By general consent the meeting reconvened at 11:33 am.

6. APPLICATIONS, REFERRALS AND BYLAWS

6.1 HO-RZ-2018.1 (Wiseman) - Bylaw Nos. 164 and 165 - Staff Report

Planner Simpson provided a brief introduction to the Staff Report addressing the bylaw amendments to facilitate a two-lot subdivision at 5020 Fowler Road that was the subject of the CIM and Public Hearing held earlier in this LTC meeting.

Trustees commented with the following noted:

- The public's verbal and written comments received during the LTC's consideration of this proposal were appreciated and helpful;
- They had previously been unaware of information brought forward, in particular, that after the previous subdivision the property was not to be additionally subdivided in the future.

By general consent the meeting was recessed at 11:41 am and reconvened at 11:45 am.

HO-2021-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020".

CARRIED

HO-2021-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".

A Trustee inquired of the possibility of refunding costs incurred by the applicant with this decision to proceed no further. A Planner will consult the Fees Bylaw and report back to Trustees and the applicant.

A Trustee observed that the public consultation process including the input from the neighbours for this proposal had been very important and helped to inform his decision in a democratic manner.

CARRIED

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

- The background and historical context were explained and he stated his belief that his actions have been consistent overall with the OCP in terms of density;
- Subdivision had not been sought previously when other lots were being successful in their applications, and this subdivision denial might affect his ability to remain on the Island;
- He had considered this proposal to be an opportunity for another wanting to live in this area, and that it would not have been a large subdivision;
- He expressed his disappointment with the results however acknowledged his respect for the process.

7. REPORTS

7.1 Trustee Reports

Trustee Scott reported on the following:

- Attended K'ómoks First Nation Community to Community meeting. He acknowledged the need for changes to the OCP and LUB to include First Nation references as well as changes to the notification process for those land use applications that might be of interest to K'ómoks First Nation.

Trustee Allen reported on the following:

- He announced that public input is being sought for the Trust Council report on amending the Islands Trust Policy Statement; deadline for input is February 5th and details can be found on the Islands Trust website;
- Islands Trust is seeking input on its proposed 2021/2022 budget and the public is invited to complete an online survey until February 7th;
- He attended Trust Council in December that included a discussion of defining unique amenities;

- He wrote a letter to K'ómoks First Nation Chief Nicole Rempel, who was re-elected to serve another two year term on K'ómoks Council, to express his hope that there might be more engagement with them in the next two years.

7.2 Chair's Report

Chair Fast reported that she attended the following meetings:

- Trust Council;
- Executive Committee;
- Financial Planning Committee;
- Islands Trust Conservancy;
- Denman Island LTC;
- Bowen Island Municipal Council meetings.

She noted that items included in today's agenda for the public's information include Trust Council Decision Highlights, and Islands Trust letters regarding development of BC Coastal Strategy and Law, and a request to enhance jurisdiction over tree cutting.

7.3 Electoral Area Director's Report - none

8. TOWN HALL

Members of the public commented with the following noted:

- A member of the public urged the LTC to correct the inconsistencies regarding Minimum Average Lot Areas; and supported alternative number 2 in the Staff Report included in today's agenda: "Minimize project timeline by only eliminating subsection 8.2(9) from the LUB", which he considers to be the most problematic issue.
- A member of the public pointed out that in agenda item 15.5 heading, the word "Cowichan" should be corrected to "Comox". She thanked Islands Trust for letters of support necessary for creation of infrastructure for the Connected Coast project.

9. DELEGATIONS

9.1. Katherine Ronan for Hornby Island Community Economic Enhancement Corporation (HICEEC) regarding Affordable Housing

Katherine Ronan reported that HICEEC's Economic Action Plan community survey identified the chief priority for Islanders to be for more affordable, stable, year-around rental housing. She asked the LTC to work with them to help accomplish that, to investigate what methods have been successful in increasing rental accommodation in other jurisdictions, and to work with HICEEC to find solutions that might include an increase in density through allowing secondary structures that are used for year-round rental on some lots, use of suites (noting that there has been no uptake of Temporary Use Permits for this purpose) or laneway housing. She asked that Planners be requested to work on this issue and offered her assistance.

Discussion of the proposal followed:

- Trustees agreed that lack of rental housing is a major concern on Hornby Island;
- Regional Planning Manager Kauer advised that her preliminary review of this issue in the OCP and LUB has identified elements that are a barrier to affordable housing;

- Concern was expressed that including this issue within an OCP/LUB review encompassing other subjects needing action would be a multi-year project;
- This issue could be explored with the LTC and referred to the APC for their input if it were to be recognized as a LTC project;
- Further discussion of the Work Program agenda item was suggested.

10. MINUTES

10.1 Local Trust Committee Minutes dated November 6, 2020 - for adoption

HO-2021-004

It was MOVED and SECONDED,

that the Local Trust Committee meeting minutes of November 6, 2020 were adopted.

CARRIED

10.2 Local Trust Committee Public Hearing Record dated November 6, 2020 - for receipt

HO-2021-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee receive the Public Hearing Record dated November 6, 2020.

CARRIED

10.3 Section 26 Resolutions-without-Meeting Report dated January 18, 2021

Received.

10.4 Advisory Planning Commission Minutes dated November 4, 2020 - for receipt

The APC draft minutes of November 4, 2020 were received.

Wendy Burton, APC Chair, estimated they will require one more meeting to complete their review of existing bylaws and penalties with recommendations to the LTC.

10.5 Advisory Planning Commission Draft Minutes of January 7, 2021

Received.

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Report dated January 18, 2021

Received.

11.2 Advertising Local Trust Committee Meetings – Memorandum

Trustees discussed advertising of LTC meetings with the following noted:

- Using social media is not an option for Trustees and the Islands Trust Facebook page is not currently operational for individual Islands;
- The public can be encouraged to sign up for the Islands Trust subscription service and would be notified of Public Hearings, meetings, and agendas through that venue;

- Informing the public of the subscription service through advertising was recommended; and it was requested that this information be added to the bottom of the ads.

HO-2021-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to advertise Local Trust Committee meetings in the Hornby Weekly Tribune and The First Edition starting with their March 2021 meeting to include information on Planner Office Hours when Office Hours can be resumed.

CARRIED**12. APPLICATIONS, REFERRALS AND BYLAWS****12.1 HO-DVP-2020.2 (Hornby School) - Staff Report - for decision**

Regional Planning Manager Kauer reported that a new site plan has been submitted by the applicant indicating a different location of the generator and therefore requiring changes to the Development Variance Permit (DVP).

Chair Fast invited the agent for the applicant, Brad Shuya, to speak. He expressed his support for the proposed DVP, noting that it reflects everything accurately.

HO-2021-007

It was MOVED and SECONDED,

that 2 d) first bullet of draft Development Variance Permit HO-DVP-2020.2 be amended to read "A generator 2.0 metres from an interior side lot line."

CARRIED**HO-2021-008**

It was MOVED and SECONDED,

that the site plan labelled "A-5, Tank Farm Plan Equipment Heights" dated January 28, 2021 replace draft SCHEDULE "E" Tank Farm Plan of HO-DVP-2020.2.

CARRIED**HO-2021-009**

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2020.2.

CARRIED**12.2 HO-DP-2020.1 (Hornby School) - Staff Report - for decision**

Regional Planning Manager Kauer reported that the Staff Report contains an error in stating that the development is over 20,000 square metres. She advised that it is not considered "significant" for purpose of Development Permit Area 2, and that staff are not recommending a hydrology report.

HO-2021-010

It was MOVED and SECONDED,

that the site plan labelled "A-5, Tank Farm Plan Equipment Heights" dated January 28, 2021 replace draft Schedule "E" Tank Farm Plan of HO-DP-2020.1.

CARRIED

HO-2021-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2020.1

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Minimum Average Lot Area Amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) - Staff Report

Regional Planning Manager Kauer presented the Staff Report addressing potential Minimum Average Lot Area (MALA) amendments to the OCP and LUB, advising that the contradictory language in the LUB and inconsistency between the OCP and LUB are problematic. She provided options for advancing this Top Priority project for LTC consideration.

Trustees acknowledged their preference to have these bylaws align and be consistent. They noted that the timeline required for amendments to the OCP is longer than that for LUB amendments and explored a strategy that would allow for work to proceed on both in separate processes.

By general consent the meeting recessed at 1:00 pm and reconvened at 1:11 pm.

HO-2021-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Minimum Average Lot Area draft Project Charter v 1.0 to reflect two processes: one Official Community Plan Bylaw amendment process and one Land Use Bylaw amendment process.

CARRIED

HO-2021-013

It was MOVED and SECONDED,

that the Bylaws referenced in the Minimum Average Lot Area Project Charter v 1.0 are processed simultaneously but not dependent on each other.

CARRIED

HO-2021-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the Minimum Average Lot Area Amendments Project Charter v 1.0, as amended.

CARRIED

HO-2021-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Official Community Plan that will eliminate references to measurements for minimum lot size and Minimum Average Lot Area in land use designations.

CARRIED

HO-2021-016

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Land Use Bylaw that will:

- a. Make references to Minimum Average Lot Area internally consistent within the provisions of Residential 2 – large lot (R2) zoning;
- b. Require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 – Large Lot (R2) zoning; and
- c. Allow for lots that are less than one hectare in size in Residential 2 – Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with Policy 6.3.3.1 of the Hornby Island Official Community Plan.

CARRIED

14. CORRESPONDENCE

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

14.1 Letter dated January 14, 2021 from J.Steen, K.Fagerlund, M.Burrows and D.Gutstein regarding Inconsistencies in the Land Use Bylaw

Received.

15. NEW BUSINESS

15.1 Bylaw Enforcement Update

Trustees received the Bylaw Enforcement Update; and the process for obtaining further details on this information was provided.

15.2 K'ómoks Community to Community Meetings and Planning Process - for discussion

Regional Planning Manager Kauer reported that K'ómoks First Nation has postponed introduction of their permitting process and advised that this topic will be reviewed on a future agenda.

15.3 Permits and First Nations Impacts - for discussion

Trustee Scott suggested consideration of a change in procedure to directly inform K'ómoks First Nation of land use applications that might be of interest to them.

Trustee discussion included the following:

- Currently, legislative requirements for consultation apply only to rezoning applications;
- Staff routinely perform a preliminary archeological review to investigate whether development applications are located in known archaeological sites and processing guidelines are followed;
- Differentiation between consultation and providing information would be a factor to consider with respect to initiating a change in procedure;
- What types of applications and locations, and K'ómoks First Nation's preferences were identified as issues to investigate.

HO-2021-017**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to consult with K'ómoks First Nation and the Islands Trust Senior Intergovernmental Advisor about how best to inform K'ómoks First Nation about how applications may impact K'ómoks First Nation rights and title.

CARRIED**15.4 Connected Coast - for discussion**

Trustees noted that Connected Coast is a project that is working to bring high-speed fibre optic internet infrastructure to Hornby Island.

Trustees debated process relating to this project with the following noted:

- A Trustee supported consultation with the community on this initiative prior to moving forward as there may be health concerns; and suggested that more information is needed about costs and how this service is to be delivered, and how rapidly changing technology might affect the need for this project;
- A Trustee supported providing a letter of support without delay.

Discussion continued at agenda item 15.5.

15.5 Letter of Approval to Comox Valley Regional District (CVRD) on Fibre Optic Internet Connection to Hornby Island - for discussion

Trustee Allen expressed the need for more information prior to providing a letter of support, and offered to contact HICEEC to discuss further. A Trustee argued against delay and in response Trustees proposed that a Resolution Without Meeting might be initiated to advance this initiative once questions have been answered.

15.6 Process for Review of Hornby Island Official Community Plan and Land Use Bylaws - for discussion

Trustee Grant commented that there are many issues causing community concern that involve OCP and LUB amendments and asked for discussion of ways to advance an entire review of the bylaws.

Discussion included the following comments:

- Many of the updates needed are issues shared by all LTCs; the Regional Planning Team may establish a framework across the Trust area to increase efficiency of OCP and LUB reviews which can take years to complete;
- This topic will be coming to Trust Council soon; how to prioritize reviews has not yet been decided, however, Hornby Island has had the most recent OCP review project completed;
- Budgeting for hiring a consultant to work on a comprehensive OCP review might be an option for consideration;
- Trustee Scott offered to follow-up with staff, to assist with work on a business case to support hiring a consultant, and to bring this topic back to a future LTC meeting.

15.7 Forest Conservation Outreach Briefing - for information

Received.

16. REPORTS

16.1 Trust Conservancy Report dated November 24, 2020

Chair Fast provided a brief update of Trust Conservancy matters.

Trustee Scott left the meeting at 2:11 pm.

16.2 Applications Report dated January 18, 2021

Staff responded to questions that arose and provided updates as requested.

16.3 Trustee and Local Expense Report dated October, 2020

Received.

16.4 Adopted Policies and Standing Resolutions

In response to a Trustee's inquiry, staff confirmed that the Standing Resolution to defer enforcement on year-around unlawful permanent dwellings until December 31, 2021 had been added to the report of Adopted Policies and Standing Resolutions.

16.5 Local Trust Committee Webpage

No changes or additions were requested.

17. WORK PROGRAM

17.1 Top Priorities Report dated January 18, 2021

Received.

17.2 Projects List Report dated January 18, 2021

Received.

18. CLOSED MEETING – none

19. INFORMATION ITEMS

19.1 Trust Council Decision Highlights - December 1-3, 2020

Received.

19.2 Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law

Received.

19.3 Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting

Received.

20. UPCOMING MEETINGS

20.1 Next Regular Meeting Scheduled for Friday, March 26, 2020 at 10:00 am at - Location to be determined

Trustees confirmed the next regular meeting date and time with the location to be determined.

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 164 AND 165

Date: January 29, 2021
Time: 10:25 am
Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Courtney Simpson, Planner
Wil Cottingham, Administrative Assistant
Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 10:46 am. She welcomed the public, introduced Trustees, staff and recorder.

She read the Chairperson's Opening Statement and explained that this Public Hearing was being conducted to hear views regarding proposed Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and proposed Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".

She reported that this is the second Public Hearing to be held on these proposed amendments due to a notification error. She explained the process for accessing documents relating to these amendments that are available for viewing during this Hearing; and advised that submissions received during this Hearing will be reviewed by Trustees before the close of this Hearing.

2. PROPOSED BYLAW NOS. 164 and 165

Planner Simpson reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of the Little Tribune and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 164, if adopted, is to amend the Hornby Island Official Community Plan (OCP) to change the land use designation from Rural Residential to Small Lot Residential and the purpose of proposed Bylaw No. 165, if adopted, is to amend the Hornby Island Land Use Bylaw (LUB) to change zoning from Residential 2 to Residential 1 – R1(c), a site-specific zone that will apply only to the property at 5020 Fowler Road with a minimum lot size created by subdivision of 1.9 hectares.

She identified the referrals that were sent out for comment, noting that the only response received was from the Islands Trust Senior Freshwater Specialist that included a report on a site visit to the property. As of this meeting time there have been 15 submissions received during the advertising period for this Public Hearing regarding these Bylaws. Previous submissions are also available to be read in the Public Hearing binder.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- David Henderson opposed the subdivision. When he purchased his property that is adjacent to the subject land, he wanted a rural character and was surrounded by large lot rural residential properties. He described the applicant's prior subdivision of the land that was cleared and developed and that this proposal would significantly impact his property by adding a fourth bordering property. He questioned the validity of the statement of surveyor error and objected to this proposal when the previous subdivision included a covenant that no additional lots were to be created and no further subdivision allowed.
- Joan Harris supported the proposed Bylaws. As a former co-owner of the subject property, she clarified that the eight hectare piece was always two lots and she provided historical background for the lot sizes. She commented that this subdivision maintains density as allowed in the OCP.
- Goya Ngan is an adjacent land owner and opposes the proposed subdivision as a change in the property from Rural Residential to Small Lot Residential would change the character of the neighbourhood and set a precedent. She cited the covenant from 2008 that states that the new parcel and remainder parcel shall not be further divided.
- Alan Fletcher, a neighbour, is opposed. He objected to the process that allows consideration of this proposal given that the covenant does not allow further subdivision on this property; and considers this proposal to be against the Islands Trust mandate to preserve and protect.
- Robert Taylor, a neighbour, expressed his opposition to this proposal. He advised that the Section 219 covenant with the 2008 subdivision is still on title and is clear that the property is not to be further developed. He questioned the assertion that the surveyor made an error in this case and stated that assumption needs to be set aside. He supported the denial of this application in 2016, believes this proposal would set a precedent, harms the LUB and contradicts the OCP which states that no new small lots will be created.
- Barbara Woodley, a neighbour, opposes further subdivision of this property. She commented that she believes that this proposal has continued to be considered out of compassion for a possible surveyor error; however, this land has reached its maximum subdivision potential and the bylaws are clear.
- Susanna Morse, a neighbour, agreed with other speakers in opposing this proposal. She cited as reasons: the previous subdivision of the property that was then clear-cut, retention of large parcels is considered a primary objective, providing exception would create a

precedent, this would increase density which is contrary to OCP objectives, and it does not offer a community benefit.

- Eleanora Laffin, a neighbour, is opposed. She observed that this decision should be about what is right for the land and could set a negative precedent if adopted.
- Christina Laffin – a neighbour, opposed the proposed Bylaw amendments for subdivision, citing agreement with other comments in opposition based on irrelevance of claimed surveyor error, no public benefit, existing covenant, setting of a precedent. She remarked that subdividing of land for private profit is not a solution to affordable housing on Hornby Island, and she recognized the OCP's objective to preserve large lots.

Chair Fast announced that two written submissions had been received during this Public Hearing. Trustees read them prior to the close of the Public Hearing.

4. **ADJOURNMENT**

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 11:32 pm.

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

Vicky Bockman, Recorder



Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Thursday, February 11, 2021

Location: By Zoom

APC Members Present: Wendy Burton, Chair
Daniel Siegel, Deputy Chair
Christine Amabilino Hunt, Member
Vicki Bale, Member
Rob McCreary, Member
Kim Fagerlund, Member

Staff Present: Katherine Vogt, Recorder by Zoom

Regrets: Joanne Ovitsland, Secretary

Others Present: 3 members of the public

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:01 pm and acknowledged being a guest on the traditional territory of the Pentlatch and K'omox people and expressed commitment to learning more about the history of how the Pentlatch and K'omox people used the land, and how they preserved and guarded it.

Chair Burton advised that Member Ovitsland had sent her regrets; and, that 3 members of the public were expected to attend the meeting as silent observers.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated January 7, 2021.

By general consent, the minutes were adopted.

4. BUSINESS ARISING

Chair Burton noted that Island Planner Sonja Zupanec would be available to attend the next Hornby Island Advisory Planning Commission (HOAPC) meeting in March.

5. RESPONSES TO QUESTIONS ABOUT BY-LAWS

Chair Burton noted that:

- Planner Ian Cox had responded to questions around the commercial agricultural properties that had no bylaws associated with their operations, explaining that these properties were in the Agricultural Land Reserve (ALR) and that if their owners wanted to pursue activities that were not presently allowed under ALR regulations, that they could petition for permission through the ALR process; but, attempting to apply Islands Trust bylaws to ALR regulated land was complicated.
- Planner Cox had clarified that businesses in the Ringside market were under the same regulations as those governing the Co-op.
- Member Ovitsland had recently spoken to Trustee Alex Allan about the Thatch development and could report back to the group at the next HOAPC meeting in March.

Chair Burton offered to research the public documents available on ALR regulations and report back to the group for the next HOAPC meeting in March.

6. OVERVIEW OF DRAFT ALIGNMENT DOCUMENT (Wendy Burton and Vicki Bale)

APC members discussed the Draft Alignment Document that Chair Burton and Member Bale had recently compiled to aid in the APC endeavor to align bylaw infractions and fine amounts to foundational principals of the Hornby Island Official Community Plan (HOOCP).

Chair Burton advised that she had requested from Bylaw Enforcement Manager Warren Dingman, a list of all Hornby Island bylaw infractions for which there was no corresponding fines and that he had agreed to have a list compiled for the next HOAPC meeting in March.

APC members noted the following for further consideration:

- the possibility that one infraction could set off multiple simultaneous infractions and fines. It was suggested that Island Planner Sonja Zupanec could help clarify this concern.
- that bylaws and the bylaw enforcement fine process could be confusing for many residents.

7. PRELIMINARY RECOMMENDATIONS

It was suggested by APC members that the Draft Alignment Document convey the following:

- That maximum fines be applied for significant infractions that contradict the very important foundational principals of the HOOCP and that lesser fines be applied to other lesser infractions; and that maximum fines keep pace with provincial increases; and that lesser fines rise proportionately to the maximum fines.
- Clerical irregularities.
- Warren Dingman's list of bylaws without attached penalties.
- A summary introductory narrative to Schedule A for the benefit of public understanding.
- An observation that the cutting of trees is unregulated.
- Suggestions for a web-based user-friendly property infraction information site.

Member Bale left the meeting at 2:00 pm

Chair Burton and Member Siegel offered to compile a formal APC recommendation draft document by February 20, 2021.

8. NEXT MEETING TIME AND ADJOURNMENT

The next meeting of the Hornby Island APC will be Wednesday March 10, 2021 between 1:00 pm and 3:00 pm by Zoom.

By general consent, the meeting was adjourned at 2:19 pm.

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder



Follow Up Action Report

Hornby Island

05-Apr-2019

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

24-May-2019

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



Follow Up Action Report

Hornby Island

08-Nov-2019

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

24-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island. <i>Update: On Island Planner hours delayed per Provincial travel guidelines regarding COVID-19.</i>	Wil Cottingham		In Progress
2 Add to the Hornby webpage under "Resources" - Planner hours, Conservancy Profile, APC Resolution.	Sonja Zupanec		In Progress
3 Staff to bring forward the project charter for the OCP/LUB (Top Priority #1) amendment project for LTC review and discussion of recommendations for a revised project charter.	Heather Kauer		Completed

01-May-2020

Activity	Responsibility	Dates	Status
1 Staff to report back to LTC on the costs of advertising business meetings in the Hornby Weekly Tribune. <i>Cost for 1/4pg B&W ad is \$25.00 per issue.</i>	Heather Kauer Wil Cottingham	Target: 26-Jun-2020	Completed

Follow Up Action Report

Hornby Island

11-Sep-2020

Activity	Responsibility	Dates	Status
1 that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.	Heather Kauer	Target: 06-Nov-2020	Completed
2 that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once "Consideration of a rezone of 5040 Central Road to R3A" is complete.	Heather Kauer		Completed
3 that the Hornby Island Local Trust Committee request staff to bring a staff report to the next Local Trust Committee meeting that outlines the possibilities for options for allowing permanent, year-around housing.	Heather Kauer		Completed

26-Nov-2020

Activity	Responsibility	Dates	Status
1 that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021	Penny Hawley		Completed

29-Jan-2021

Activity	Responsibility	Dates	Status
1 Staff to communicate with the SIPA and K'omoks FN to determine their preferred method for being informed of permit applications on Hornby Island.	Heather Kauer Lisa Wilcox		In Progress

Follow Up Action Report

Hornby Island

29-Jan-2021

Activity	Responsibility	Dates	Status
2 That the Hornby Islands Local Trust Committee request staff to advertise Local Trust Committee meetings in the Hornby Weekly Tribune and First Edition starting with their March, 2021 meeting and Planner office hours when office hours can be resumed. <i>ONGOING</i>	Wil Cottingham		Completed

March 13, 2021

Referral Request, August 31, 2020 to “review and provide comments to the LTC on Schedule ‘A’ (Contraventions and Penalties) of Bylaw No. 159 Bylaw Enforcement Notification Bylaw”

Recommendations to local Islands Trust trustees Alex Allen and Grant Scott

From Advisory Planning Commission: Vicki Bale, Wendy Burton, Kim Fagerlund, Christine Hunt, Rob McCreary, Joanne Ovitsland, Daniel Siegel

Upon thorough review, which included comparing the fines in Bylaw No. 159 Schedule A to fine structures on Denman Island, Salt Spring Island, Gabriola Island, and Lasqueti Island, the APC concludes the fines listed in Schedule A are, for the most part, reflective of Hornby Island’s Official Community Plan and Land Use Bylaws.

The fines reflect the severity of the infractions, with regard to the mandate of the Islands Trust to preserve and protect. In those instances where the fines seem incongruous to similar infractions or the fines do not reflect the severity of the infraction, we recommend these fines be adjusted (Please see Attachment #1).

Narrative Explanation

The fines associated with bylaw infractions on Hornby Island reflect the extent to which the infraction is a violation of foundational principles governing life and development on Hornby Island. These principles are articulated in the Official Community Plan and can be summarised thus: the community is committed to protecting the environment, especially ground water, eco-diversity of the forest, the marine environment, and the rural nature of human occupation.

Hornby Island Advisory Planning Commission recommends the maximum fine indicates a violation of one of the foundational or core principles of Hornby Island OCP, which are informally articulated as

- 1. to preserve and protect Hornby Island from inappropriate use and development**
- 2. to preserve and protect biodiverse habitats, including second growth forests and marine environment, which require pristine water and controlled development of shoreline**
- 3. to preserve and protect the ground water**

For the most part, the financial penalties are aligned to the relevant foundational principles.

The APC recommends the fines be increased where the infraction has a negative or potentially negative impact with regard to the foundational principles. Some fines need to be raised to the maximum allowed by the provincial government. Some fines are already at the maximum allowed by the provincial government, and APC recommends these be increased if/when the BC government increases the maximum,

\$500 is the maximum fine currently permitted. When the maximum is raised by the BC government, the fines in Schedule A should rise. Fines lower than the maximum should rise in proportion: \$350 should rise to 70% of the new maximum set by the government; \$200 fines rise to 40% of new maximum.

The list of potential bylaw penalties in Schedule A of Bylaw No. 159 is thirteen pages. The relevant infractions for a specific property are considerably fewer than thirteen pages. If one has property in Small Lot Residential, for example, the bylaws are found in Hornby Island Land Use Bylaw (LUB) No 150, Section 8.1 and comprise eight infractions. The zone is also governed by General Regulations, Sign Regulations, and Parking Regulations, but many infractions do not apply to every property, *cf* Nonpermitted Airport 3.2(h).

The goal of bylaw enforcement is compliance with existing regulations intended to preserve the environment, govern density for the protection of the environment, especially ground-water, and preserve the rural nature of the community, as agreed upon and articulated in our OCP, most recently reviewed in 2018. The process of coming into compliance is a four-step process that *ends*, if necessary, with a fine. Fines are the last resort. This penalty can be imposed more than once, if the infraction persists. Failure to pay fines can lead to a lien against the title of the property.

1. Proposed amendments to Bylaw No. 159 (attachment #1) are to raise, where appropriate, the fine from \$350 to \$500. These amendments are noted in **bold**.
2. During our review of Bylaw No. 159 Schedule A, we noted several clerical errors.
 - a. Bylaw No. 150 3.2 T, Uses Prohibited in All Zones “any use of a shipping container unless screened is prohibited” has no corresponding fine in Schedule A
 - b. The wording of 3.2 W does not match the language of 3.2 W in Schedule A
 - c. In Schedule A 3.3(9) repeats 3.3(8) when it should reference Bylaw No. 150 3.3(9)
 - d. The entry between 8.3(3) and 8.3(4)(a) has no reference
 - e. Warren Dingman has advised Hornby Island APC there are some bylaws that have no corresponding penalties. A list of such bylaws will be provided by Warren Dingman to Hornby Island LTC.

3. Protecting Trees

Unlike many communities in BC, Hornby Island has no bylaws governing trees. Although a foundational principle is to preserve the eco-diversity possible when 24% of trees in a forested area or forested property is retained, there is no language in the LUB prohibiting clear-cutting property, removing standing woodlands, or harvesting and selling timber on private properties.

The APC notes this apparent absence of language to preserve the forested land on this island, especially as pressure to develop continues.

4. Ease of locating relevant bylaws

In response to a frequent comments that it is difficult to find and understand the bylaws governing land use on Hornby Island, it is recommended the website be designed so a property owner could enter their civic address or P.I.D., locate their “zoning” and quickly locate the bylaws relevant to the zoning. Presently, a landowner can find relevant information here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/bylaws/>. The Hornby Island APC suggests as the website is being re-designed, consideration be given to making this section easier to navigate.

Rationalizing OCP, the Land Use By-Law and the Fines

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 159
Recommended amendments
from
HORNBY ISLAND ADVISORY PLANNING COMMISSION
March 16, 2021**

An asterisk * denotes a recommendation to raise the fine from its current amount to the maximum allowed by provincial government: \$500

Recommending the maximum fine, which will increase when the government increases the maximum, indicates a violation of one of the foundational or core principles of Hornby Island OCP, which are informally articulated as

1. to preserve and protect Hornby Island from inappropriate use and development
2. to preserve and protect biodiverse habitats, including second growth forests and marine environment, which require pristine water and controlled development of shoreline
3. to preserve and protect the ground water

The local APC recommends bylaws governing the whole or partial removal of trees from property, similar to bylaws existing in other gulf island communities.

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

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

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

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

Citation

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

1.0 INTERPRETATION

In this Bylaw:

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

2.0 DEFINITIONS

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

3.0 BYLAW CONTRAVENTIONS

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

4.0 PENALTY

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

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw;
- (3) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw;
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A” and “B” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

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

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

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

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

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

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

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

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

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

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

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

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

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

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

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:

- (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.
- 7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.
- 7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

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

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

9.0 FORM OF BYLAW VIOLATION NOTICE

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

10.0 SCHEDULES

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

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

READ A FIRST TIME THIS 24TH DAY OF MAY ,2019

READ A SECOND TIME THIS 24TH DAY OF MAY ,2019

READ A THIRD TIME THIS 24TH DAY OF MAY ,2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
5TH DAY OF JUNE ,2019

ADOPTED THIS 24TH DAY OF JANUARY ,2020

SECRETARY

CHAIR

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

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

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

3.2(s)	Non Permitted Casino	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(u)	Non Permitted Use of Well for Off Lot Use	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(v)	Commercial Raising of Animals/Poultry on Lot Les than 1.0 Hectare	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

3.3(8)	Keeping Livestock/ Birds Within 15.0 Metres of the Natural Boundary of a Lake/ Watercourse/ Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Siting Buildings/Structures Used For Livestock/Poultry Within 15.0 Metres of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3.(9)	Siting Buildings/Structures For Livestock/Poultry Within 15.0 Meters of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(10)	Buildings/ Structures Used for Commercial Growing of Mushrooms/ Commercial Raising of Livestock/ More Than 100 Birds Within 30.0 Metres of Highway/ Lot Line/ Natural Boundary of Lake/ Watercourse/Sea.	\$500.00	\$375.00	\$750.00	Yes	100%
*3.4.(1)	Buildings/Structure Over 8.0 Metres High	\$500.00	\$375.00	\$750	Yes	100%

Deleted: \$350.00

Deleted: \$262.50

Deleted: \$525.00

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
*3.4(2)	Building/Structure within 100 Metres of Natural Boundary of the Sea Over 7.0 Metres	\$500.00	\$375.00	\$750.00	Yes	100%
3.4(3)	Accessory Buildings/Structure Over 6.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(4)	Agricultural Buildings/Structures Over 10 Metres	\$350.00	\$262.50	\$525.00	Yes	100%

Deleted: \$350.00

Deleted: \$262.50

Deleted: \$525.00

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

3.6(1)	Prohibited Home Occupation Use	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(3)	Unpermitted Home Occupation Use on Lot Less Than 0.1 Hectare.	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(4)	Home Occupation Exceeds Maximum Floor Area on Lot Less than 0.1 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation Not Wholly Within Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Not Operated Solely by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Noise Heard Beyond Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)	Unpermitted Home Occupation on Lots Smaller than 0.4 Hectare	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(11)	Unpermitted Home Occupation on Lots Smaller than 2.0 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(12)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(13)	Home Occupation Not Wholly Within Dwelling Unit or Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(15)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(16)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(17)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(18)	Home Occupation Not Operated By Residents of Property	\$350.00	\$262.50	\$525.00	Yes	100%
*3.6(19)	SUGGESTED ADDITION: NUMBER OF EMPLOYEES EXCEEDS TWO PER LOT	\$350				
3.6(20)	Home Occupation Noise Heard of the Lot.	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(22)	Unpermitted Home Occupation on Lot Larger than 2.0 Hectares	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

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

3.6(38)(d)	Bed and Breakfast Not Serving Breakfast to Overnight Guests	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(39)	Bed and Breakfast Operating on Lot Smaller than 0.1 Hectare.	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(40)	Bed and Breakfast Exceeding Permitted Number of Bedrooms	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(41)	Bed and Breakfast Use Without Required Sewage System Certification	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

3.8(2)	Secondary Suite Without Sewage Disposal Certificate	\$500.00	\$375.00	\$750.00	Yes	100%
3.8(3)	Non Permitted Secondary Suite	\$500.00	\$375.00	\$750.00	Yes	100%
3.9(1)	Over height Fence	\$350.00	\$262.50	\$525.00	Yes	100%
3.10(1)a)/b)/c)/d)	Inadequate Required Screening	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(a)	Temporary Dwelling Without Siting and Use Permit for a Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(b)	Exceed occupancy of Temporary Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(c)	Temporary Dwelling Without Approved Sewage System	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(d)	Temporary Dwelling Used as Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.12(1)	Storage of Derelict Items	\$500.00	\$375.00	\$750.00	Yes	100%
4.1.(1)	Sign Not In Accordance with Table 4.6 of Bylaw No. 150.	\$350.00	\$262.50	\$525.00	Yes	100%
4.2(1)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
4.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Off Street Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(2)	Disabled Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
*5.2(1)/(2)/(3)/(4)/(5)	Parking Does Not Meet Design Standards	\$500.00	\$375.00	\$750.00	Yes	100%
*5.4	Off-Road Parking Not in Accordance with Table 5.4 of Bylaw No. 150	\$500.00	\$375.00	\$750.00	Yes	100%
8.1(1)	Non Permitted Use in Small Lot (R1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.(2)(a)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
*8.(2)(b)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%

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

*8.(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
8.(4)(a)	Building /Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
8.(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
*8.(5)	Dwelling Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.(6)	Accessory Buildings Exceed Combined Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00
8.(8)	Fail to Comply With Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
8.2(1)	Non Permitted Use in Large Lot (R2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
8.2(2)(a)/(b)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%	
8.2(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2.(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%	
8.2.(5)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%	
8.3(1)	Non Permitted Use in Community Housing (R3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount	
*8.3(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.3(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
*?	Non Permitted Building/Structure In Community Service Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
							Deleted: \$262.50
							Deleted: \$525.00
8.3(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$350.00
8.3(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00

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

8.3(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
*8.3(5)	Dwelling Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3(6)	Dwelling in Community Housing Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3(7)	Community Facility Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3(8)	Accessory Building Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3(9)	Accessory Buildings Exceed Combined Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
8.3A(1)	Non Permitted Use in Community Housing R3A Zone	\$500.00	\$350.00	\$750.00	Yes	100%
*8.3A(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3A(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%
8.3A(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
*8.3A(5)	Exceed Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3A(6)	Community Facility Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3A(7)	Accessory Building Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
*8.3A(8)	Accessory Buildings Exceed Combined Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
8.4(1)	Non Permitted Use in Residential 4Forest (R4) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
*8.4(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
*8.4(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%
8.4(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
*8.4(5)	Dwelling Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

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

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

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

8.9(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.9(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.9(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
	Non Permitted Use in Commercial 2 Limited Commercial (C2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	
*8.10(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
8.10(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
8.10(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.10(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.10(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
*8.10(4)	Restaurant Exceed Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.10(5)	Restaurant Exceeds Seating Capacity	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
*8.10(6)	Bakery Exceeds Total Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
*8.10(7)	Accessory Buildings Exceed Total Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00 Deleted: \$262.50
*8.10(8)	Accessory Building/Structures Exceed Height/More than One Story	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00 Deleted: \$350.00
8.11(1)	Non Permitted Use in Commercial 3 (C3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50 Deleted: \$525.00 Deleted: \$350.00 Deleted: \$262.50 Deleted: \$525.00 Deleted: \$350.00 Deleted: \$262.50 Deleted: \$525.00

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

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

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

8.12(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(1)	Non Permitted Use in Commercial 5 (C5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
*8.13(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(b)	Building/Structure in Rear Setback	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%

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

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

*8.15(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.15(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
8.15(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.15(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$350.00
8.15(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
8.15(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
*8.15(5)	Camping Space in Setback	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.15(6)	Accessory Buildings Exceeds Total Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00
*8.15(7)	Accessory Residential Dwelling Exceeds Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
*8.15(8)	Non Permitted Improved Camping Space	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
							Deleted: \$350.00
8.15(9)	Camping Space Accommodates More than One Vehicle	\$200.00	\$150.00	\$300.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00
8.15(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$350.00
8.16(1)	Non Permitted Use in Commercial 8 Campground C8 Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount	
*8.16(2)	Non Permitted Building/Structure/Camping Spaces	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
*8.16(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
8.16(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$350.00
8.16(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
8.16(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.16(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
*8.16(5)	Non Permitted Improved Camping Space	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
8.16(6)	Camping Space Accommodates More than One Vehicle	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.16(7)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%	

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

8.17(1)	Non Permitted Use in Ecosystem Protection (EP1) Zone	\$500.00	\$350.00	\$750.00	Yes	100%	
8.17(2)	Non Permitted Buildings/Structures	\$500.00	\$375.00	\$750.00	Yes	100%	
8.18(1)	Non Permitted Use in Water Supply Protection (WS) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	
8.18(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	
8.18(3)	Building/Structure in Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
*8.18(4)	Exceed Total Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.18(6)	Fail to Comply with Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50 Deleted: \$325.00
8.19(1)	Non Permitted Use In Public Park (P1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00 Deleted: \$262.50
8.19(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.19(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.19(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.19(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
8.19(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%	
*8.19(4)	Exceed Floor Area of Public Education Building	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00 Deleted: \$262.50
8.20(1)	Non Permitted Use in Public Park 2 (P2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
*8.20(2)	Non Permitted Building /Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
8.20(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$262.50
8.20(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%	Deleted: \$525.00
8.20(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
8.20(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount	
8.21(1)	Non Permitted Use in Public Use (PU)Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00 Deleted: \$262.50 Deleted: \$325.00
*8.21(2)	Non Permitted Building /Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.21(3)	Exceed Lot Coverage	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50 Deleted: \$325.00

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

8.21(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
8.21(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
8.21(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
8.21(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%	
*8.21(5)	Exceed Floor Area of Residential Building	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
*8.21(6)	Exceed Combined Floor Area of Accessory Buildings	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$325.00
							Deleted: \$350.00
8.22(7)	Non Permitted Alcohol Sales	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
8.21(9)	Fail to Comply with Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
8.22(1)	Non Permitted Use in Marine Conservation (M1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	
*8.22(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.23(1)	Non Permitted Use in Marine Park (M2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00
*8.23(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
8.24(1)	Non Permitted Use in Mariculture (M3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$525.00
8.24(2)	Non Permitted Building/Structure	\$350.00	\$262.00	\$750.00	Yes	100%	Deleted: \$350.00
8.24(3)	Building/Structure Impedes Access	\$350.00	\$262.50	\$750.00	Yes	100%	Deleted: \$262.50
8.25(1)	Non Permitted Use in Marine Access (M4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$525.00
*8.25(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
*8.25(3)	Exceed Combined Floor Area of Accessory Buildings	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$262.50
							Deleted: \$325.00
8.26(1)	Non Permitted Use in Marine Service (M5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
*8.26(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$325.00
8.27(1)	Non Permitted Use in Maine Private Moorage (M6) Zone	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$350.00
							Deleted: \$262.50
*8.27(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%	Deleted: \$325.00
							Deleted: \$350.00
							Deleted: \$262.50
							Deleted: \$325.00

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

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

File No.: HO-TUP-2020.3 (Hornby Co-operative Association)

DATE OF MEETING: March 26, 2021

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

SUBJECT: **Temporary Use Permit application – bulk water sales**

Applicant: Hornby Co-operative Association

Location: 5875 Central Road

LOT 1 SECTIONS 6 AND 10 HORNBY ISLAND NANAIMO DISTRICT PLAN
VIP79310 - PID: 026-371-791

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve HO-TUP-2020.3 for a period of three (3) years from the date of issuance, subject to the conditions imposed by the permit.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Temporary Use Permit (TUP) application for the ongoing sale of bulk water from the subject property. Pursuant to Section 3.2(u) of the Hornby Island Land Use Bylaw No. 150 (LUB), the use of a well for the extraction of ground water for transportation off the lot from which it is extracted is prohibited, except where permitted through zoning regulations or by Temporary Use Permit. The Hornby Island Official Community Plan No. 149 (OCP) provides for the consideration of a TUP for the use under Section 6.10(4) and in accordance with Policy 5.1.4.

Staff is recommending approval subject to the following conditions:

- Authorization/licencing is obtained from Island Health for the operation of the bottled water filling station;
- A commercial water licence is obtained from the Province of British Columbia (FLNRORD) in accordance with the *Water Sustainability Act*.

BACKGROUND

This application is coming forward through staff analysis conducted for an Existing Use Groundwater Application initiated by the applicant and received as a referral from the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD). The provincial application is necessary under the *Water Sustainability Act* to use groundwater for a commercial purpose. See **Attachment 1** – Provincial Groundwater Application.

The subject property is located at 5875 Central Road, at the corner of St. Johns Point Road where Central Road becomes Shields Road heading east to Tribune Bay, and is a hooked lot across Shields Road as shown in **Figure 1** below. The property is approximately 1.3 hectares in area, and is surrounded by residential, agricultural, park, and

retail and commercial properties. Well known to residents, the intersection of Central Road and St. John's Point Road encompasses the island's busiest commercial area.

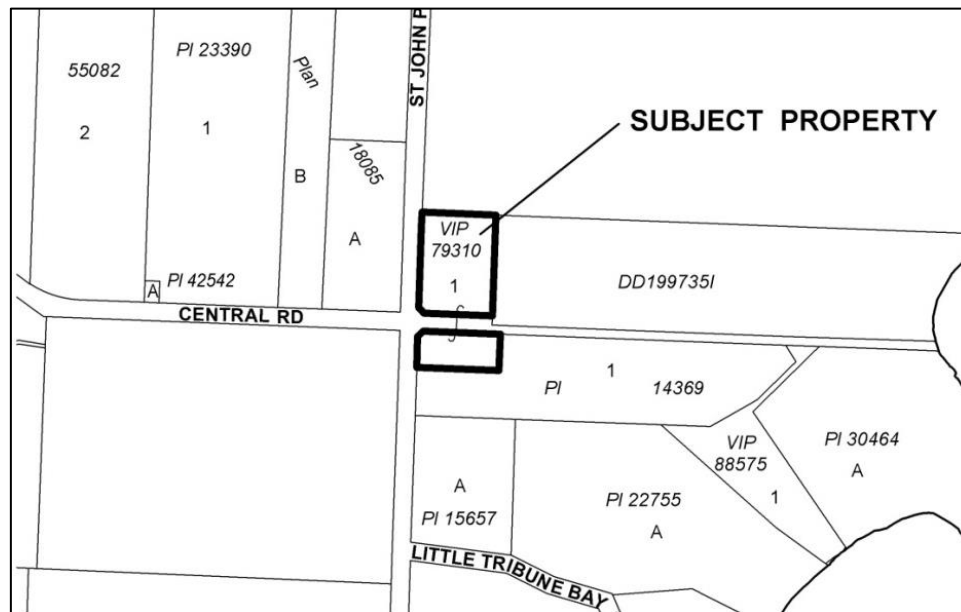


Figure 1. Subject property Location

Section 492 of the *Local Government Act* grants local trust committees the authority to include in their official community plan or a zoning bylaws, designated areas where temporary uses may be allowed and to specify general conditions regarding the issuance of such permits. Under Section 6.10 of the Hornby Island OCP, a TUP may be issued to allow a temporary use for a period of time to enable impacts to be assessed before any further permitting of the use, per OCP Policy 6.5.1.10. In Part 3 – General Regulations of the Hornby Island Land Use Bylaw No. 150 (LUB), the bylaw states “uses that are not permitted in this Bylaw may be considered upon application for a Temporary Use Permit in accordance with Official Community Plan policies and regulations in this Bylaw pertaining to Temporary Use Permits.”

ANALYSIS

Policy/Regulatory

Official Community Plan

The subject property is designated **Retail and Personal Service (CS)** and is wholly within the Hornby Commercial Centres (Retail and Visitor Accommodations) Development Permit Area, and partly covered by Development Permit Area No. 6 – Riparian Areas. See **Attachment 2** – Site Context. The proposed activity which the TUP seeks to permit, does not include the applicable activities of [physical] development, subdivision, or land alteration that are the triggers for both DPAs and so the respective Guidelines for each are not applicable. Hence, the applicant is not required to obtain DPs in conjunction with the TUP. See **Attachment 3** – TUP Guidelines for an analysis of how the application complies with those for Temporary Use Permits.

Relevant OCP policies include:

Policy 6.5.1.10 Temporary Use Permits may be permitted for:

a) temporary use;

- b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;*
- c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or*
- d) seasonal activities.*

Section 6.10 of the OCP sets out objectives for issuance of TUPs, including:

- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10;*

Land Use Bylaw

The subject property is zoned **Commercial 1 (C1) – Retail (Co-op and Service Station)** under LUB Section 8.9. The bulk water sales use is not listed as a permitted principal or accessory use in the C1 zone and is listed under LUB Section 3.2 as a prohibited use in all zones:

3.2 Uses Prohibited in All Zones

- (1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8:*

- (u) The use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or Temporary Use Permit;*

The applicant has therefore applied for a TUP as directed by staff and required by LUB Section 10.1.

Issues and Opportunities

Community Concerns

The need for quality potable water on Hornby is a recognized issue, as is its protection. Some residents do not have adequate access due to slow and/or contaminated wells, particularly in highly developed, densely populated areas. As such, many residents rely on the bulk water service for drinking water year round.

Groundwater Protection

The protection of Hornby Island's groundwater resource is a high priority within the OCP. It directs the LTC to consider groundwater protection when considering applications for permits through OCP Policy 2.2.2:

- 2.2.2** *In order to protect the groundwater resource of the Island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) **when considering applications for permits**, re-zoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:*

- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate*

sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;

Staff consider OCP Policy 2.2.2 to be addressed through both the pending provincial WSA commercial use licence from FLNRORD which will specify conditions of use (including extraction volumes, monitoring, etc.) and through any required Island Health approvals for the filling station. This conclusion is concurred by the Islands Trust Freshwater Specialist who does not recommend any further professional reporting be provided at this time (such as a groundwater assessment study or similar), since they feel that impact mitigation and monitoring is in this case the jurisdiction of FLNRORD.

Island Health Permit & FLNRORD Commercial Water Licence

TUP Guidelines 6.10.5 in the OCP and 10.3(5) in the LUB requires that, “Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.” Staff has addressed this through conditions imposed by the draft TUP.

In communication with Island Health, staff understands that the authority may require permitting to operate the water filling station and that this should be confirmed through communication directly with the applicant.

Staff has had contact with FLNRORD regarding the provincial WSA authorization and to date, it appears that the granting of the Existing Groundwater Use commercial licence is imminent.

In accordance with the TUP guidelines, staff has included conditions of the draft permit to require confirmation of both authorizations prior to issuance of the TUP. See **Attachment 4** - Draft Temporary Use Permit.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, Notice of the proposed permit was mailed on March 10, 2021 to all property owners and occupants of neighbouring properties within 100 metres of the subject property. See **Attachment 5**. A notice of the proposed TUP was published in the *Hornby Island Tribune* newspaper on March 17, 2021.

At the time of writing this report, staff has not received any public correspondence related to the Statutory Notification. Correspondence may be received before or during the LTC meeting and may also be sent to northinfo@islandstrust.bc.ca during the notification period March 15-24, 2021.

First Nations

At this time, TUP applications for commercial activity do not raise concerns related to LTC Standing Resolutions on reconciliation provided that no identified cultural heritage concerns are present on or near the subject property. Such is the case for this application. However, if the LTC so wished, a notification of the permit could be provided to any First Nations with interest, and a decision on issuance deferred until further information was received.

Rationale for Recommendation

Staff consider the proposal to meet the TUP guidelines outlined in the OCP and LUB for the consideration of the proposed continuation of the bulk water sales use. However, two conditions of the draft permit are included that require approval from Island Health and the province of BC for compliance with their respective jurisdictional and regulatory powers, both which would need to be satisfied prior to issuance of the TUP. Therefore, staff is recommending issuance conditional upon receipt those two items.

Staff recommendation is found on page 1 of this report with alternatives outlined below.

ALTERNATIVES

1. Request further information

The LTC may wish to defer making a decision in expectation of receiving more information as requested by resolution. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant provide the following information in support of application HO-TUP-2020.3: [insert information request].

2. Deny the application

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

That the Hornby Island Local Trust Committee deny application HO-TUP-2020.3 for the following reasons... [insert reasons].

NEXT STEPS

Should the LTC elect to pass a resolution in accordance with the recommendation of staff, issuance of the TUP will be conditional upon the applicant obtaining Island Health and provincial (FLNRORD) approvals and providing those to staff, who will process the permit accordingly upon their receipt.

Submitted By:	Ian Cox Planner 1 – Northern Team	March 11, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 16, 2021

ATTACHMENTS

1. Provincial Groundwater Application
2. Site Context
3. TUP Guidelines
4. Draft Temporary Use Permit
5. Statutory Public Notice



Attachment 1 - Provincial Groundwater Application

Tracking Number: 100285662

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Employee

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: HORNBY ISLAND CO-OPERATIVE ASSOCIATION
Contact Name: [REDACTED]
Contact Address: 5875 Central Road
Hornby Island BC V0R1Z0
Contact Phone: 250-335-2686
Contact Email: hornbyislandgasbar@gmail.com

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: HORNBY ISLAND CO-OPERATIVE ASSOCIATION
Doing Business As: Hornby Island Gas Bar
Phone: 250-335-2686
Fax:
Email: hornbyislandgasbar@gmail.com
BC Incorporation Number:
Extra Provincial Inc. No: HORNBY ISLAND
Society Number:
GST Registration Number:
Contact Name: Bob Casault
Mailing Address: [REDACTED]
[REDACTED]

CORRESPONDENCE E-MAIL ADDRESS

It is recommended that you provide your correspondence email address in this section.

Email: hornbyislandgasbar@gmail.com
Contact Name: [REDACTED]

ELIGIBILITY

If you answer yes to any ONE of the following questions, you are eligible to apply for a water licence.

Question	Answer	Warning
- Are you the owner of land or a mine in British Columbia where the water will be used?	Yes	
- Are you entitled to possession of land or a mine in British Columbia where the water will be used?		
- Do you have a substantial interest in the land, mine, or an undertaking in British Columbia where the water will be used?		
- Are you a holder of a certificate of public convenience and necessity issued under the Public Utilities Act, the Utilities Commission Act or the Water Utility Act?		
- Are you a municipality, regional district, improvement district, development district or water users' community?		
- Are you representing the government of British Columbia or Canada?		
- Are you representing a commission, board or person having charge of the administration of Crown land or a mine or an		

undertaking on Crown land, administered by British Columbia or Canada or controlled by a ministry, department, branch or other subdivision of the government of British Columbia or Canada?

- Are you representing the Greater Vancouver Water District or any other water district incorporated by an Act?
- Are you representing the British Columbia Hydro and Power Authority?
- Are you applying as an agent on behalf of an eligible applicant as described above?

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you:

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands
- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

No

EXISTING USE

Groundwater users that have been using groundwater prior to the date that the Water Sustainability Act came into force may be granted a priority date for their water licence that is equal to the date they first beneficially used the water.

Do you use groundwater for a non-domestic purpose? Yes

Did your groundwater use begin on or before February 29, 2016? Yes

PURPOSE OF WATER USE

Add the purpose(s) your groundwater is being used for. Check the list of Purpose Definitions to determine your correct purpose of water use.

It is possible that the purpose(s) you select may change, be removed, or new ones be added during the review of your application. This may affect the fees due.

Purpose	Quantity	Use of Water	How estimate water use?	Rental Fee	Application Fee
Water Sales	118.19838 m3/year	Year Round	unit conversion tool	\$767.76	
Total:				\$767.76	

The one-time application fee has been waived until March 1, 2022. Annual water rentals are still payable and are required when submitting the application.

Note: The rentals payable with this application represent the total that has accrued since February 29, 2016.

HISTORY OF WATER USE

To assign the correct date of precedence (priority date) for your licence it is necessary to gather information about the history of water use.

For each water use purpose you are requesting please indicate to the best of your knowledge when groundwater use began, including the previous owners.

Purpose	Quantity	Date
---------	----------	------

If possible, please describe the history of use for all the purposes back to the date(s) referenced above:

Selling bulk water to customers with own containers (one gallon to five gallons).

Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

Description	File Name
Pipeline Drawing	Hornby Island Co-op Gas Bar Grocery Store.kmz

Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

Coop Drawing	Hornby Island Co-op Gas Bar Google Map.pdf
--------------	--

Upload any documents you have to support the date water use began, e.g. well construction report, pump installation receipt or signed statement.

pipeline	Hornby Co-op Well Pipeline Drawing.jpg
----------	--

WORKS

Works are the physical equipment used to move the water from its source to where it will be used. For example, works can include a screened intake, pump, pipeline, irrigation system, dugout, storage structure etc. Scroll down the list provided to see all the options available for selection. For a formal definition of "works", refer to Section 1(1) of the Water Sustainability Act.

NOTE: For works not on the list, please describe them in the box below. Hover over the works list to see a quick definition of the work.

Works	Status
Distribution system	Fully Constructed
Flow measuring device	Fully Constructed
Meter	Fully Constructed
Outlet	Fully Constructed
Pipe	Fully Constructed
Pressure tank	Fully Constructed
Pump	Fully Constructed
Pumphouse	Fully Constructed
Tank	Fully Constructed
Treatment facility/system	Fully Constructed

Please provide details about the works selected above, and your water system:

Water distribution from well to Gas Bar bulk water station outdoors and pipes to Co-op Store for bulk water sales indoors.

SOURCE OF WATER FOR APPLICATION

WELL WORKS

Do you access groundwater from a well?

Yes

As an existing user, your works should be fully constructed. If your works are not fully constructed for some reason, (e.g. under repair), please provide details in the "Comments" field below.

Works	Common Well Name	Status	Comments
-------	------------------	--------	----------

Well		Fully Constructed	
Well Tag Number:	103819	Well ID Plate Number:	25901
Depth of Well:	100 feet		
Method of location measurement:		Other (please specify):	Provincial Government
Geographic Coordinates of well:		Latitude: 49.3132 Longitude: -124.4776 Decimal Degrees	
Is the well a flowing artesian well at any time of the year?	No		
Is the well head in a pit or a sump?	Unknown		

Are there any other wells on the property that are not in use? Yes

JOINT WORKS

Are your works connected to the works of another person or group of people?

If you share or are connected to another person's works, it is recommended that a Joint Works Agreement-outlining each party's role and responsibilities-be completed and uploaded

Do you share or are you connected to another person's works? No

MAPPING

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description

Land information

Filename

Hornby Island Co-op Gas Bar...

LOCATION INFORMATION

LAND DETAILS

List all parcels of land where the water will be used. Click "Add Land Information" button to add each parcel of land.

Description

Private Land

Parcel ID: 026-371-791

Legal Description: Lot 1 Sec. 6

Certificate Of Title No: Lot 1 Section 6/10

PERMIT OVER CROWN LAND

Do any of these circumstances apply to your water use:

- Any of your works cross or are located on Crown land
- Your well is located on Crown Land
- You are flooding Crown Land

No

Based on your answer you do not appear to be affecting or flooding Crown land and neither a Permit over Crown land nor a Crown land tenure appears to be required.

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act). The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at: FrontCounter BC Program Director FrontCounter BC, Provincial Operation 441 Columbia Street Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

IMPORTANT NOTICES

- I understand that once I have submitted my application as a transitioning groundwater user, Section 140(1)(a) of the Water Sustainability Act authorizes me to continue to divert, store and/or use groundwater as I have in the past until such time as a decision is made on my application. I also understand that my application must first be investigated and a decision made on the application as to whether a groundwater licence may be granted, and as part of that review, additional information may be requested of me. I understand that when a decision has been made, I will be required to comply with the decision and any terms and conditions that are included in an eventual water licence.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada's "Projects Near Water" webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.
- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
OOC-REN 2016 118.19838 m3/y - Waterworks: Sales	\$167.76		\$167.76	\$0.00
OOC-REN 2017 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00
OOC-REN 2018 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00
OOC-REN 2019 118.19838 m3/y - Waterworks: Sales	\$200.00		\$200.00	\$0.00

OFFICE

Office to submit application to: Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number

Application Addendum

Hornby Island Co-op and Gas Bar, Existing Groundwater Use Licence – File No. 20013571

The following are revisions to the original application form for existing groundwater use.

For reference, the headings below reflect those on page two of the original application document.

PURPOSE OF WATER USE

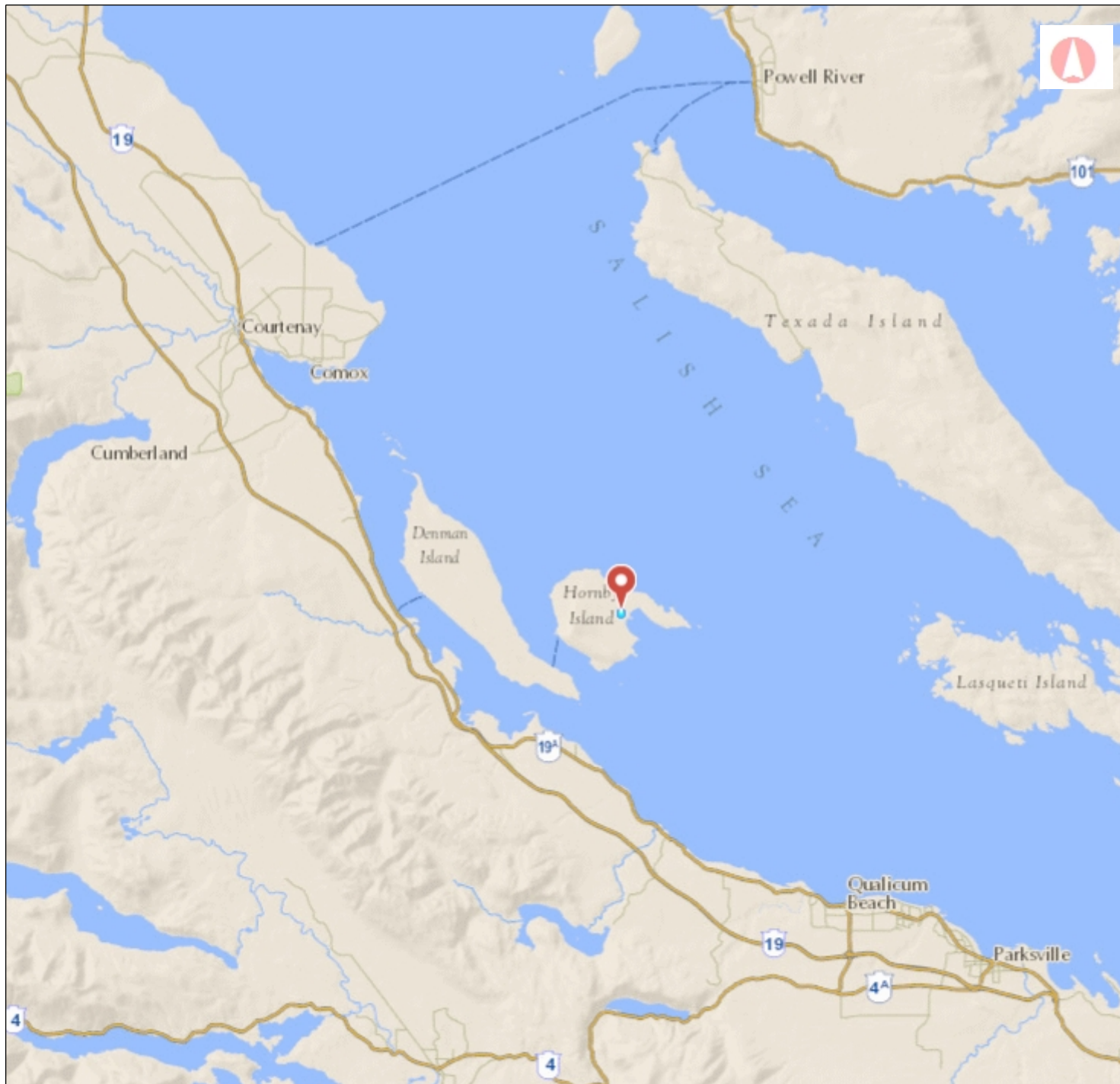
Purpose	Quantity	How estimate water use?
Water Sales	185 m3/yr.	Metered records 2017-2019
Industrial – Commercial	1000 m3/yr.	Metered records 2017-2019

Comments:

The original application does not include industrial – commercial use, as the applicant was not aware of this licensable water use purpose. Commercial water use is added by the water officer of file and informed by historic records and an onsite review of the water system, commercial infrastructure.

Post application submission, the applicant provided meter records for 2017 through 2019. It is acknowledged that this use represents that after the transitioning period cut-off (2016 / *Water Sustainability Act* implementation); however, as the infrastructure and thereby water use has not changed significantly since the gas bar was put into service in 2009, use of meter records is appropriate and useful in determining actual existing use.

The original application did not consider water sales by the Co-op store, which accounts for the amended volume.



Site General Map

Legend

Application Tracking
No. 100285662

0 11.74 23.48 km

1: 577,791

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Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

Key Map of British Columbia



Figure 1

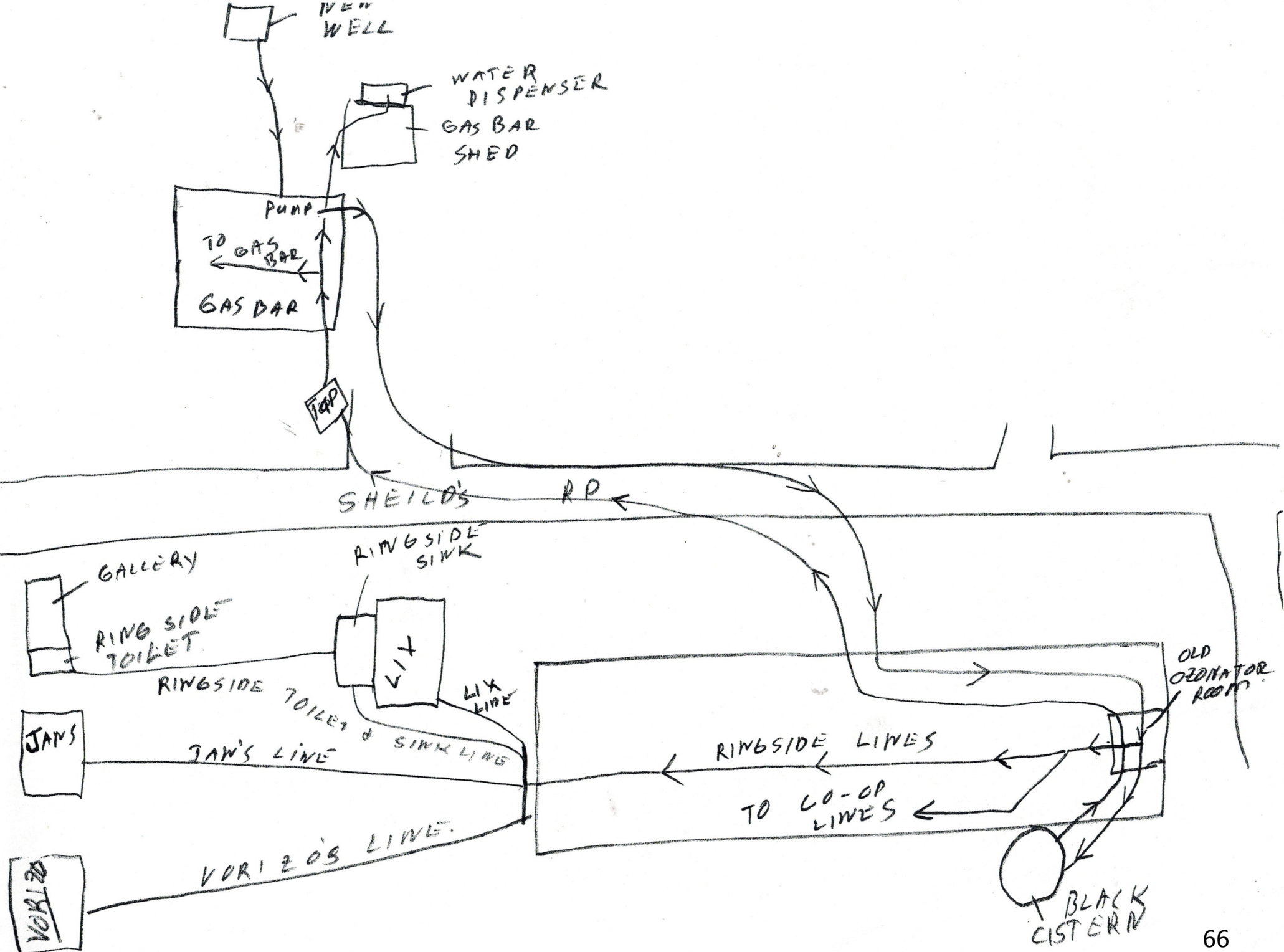


Notes

1. To accompany report to Hornby Island Co-op dated July 2009.
2. Base map from Comox Valley Regional District iMap.
3. Locations are approximate and for illustration only.

Not to scale.

Figure 1: Location Map
 5875 Central Road, Hornby Island
Payne Engineering Geology
 File HIC-1. Draft for discussion purposes only.



ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTIONS 6 AND 10 HORNBY ISLAND NANAIMO DISTRICT PLAN VIP79310
PID	026-371-791
Civic Address	5875 CENTRAL RD
Lot Size	1.28 ha (3.17 acres)

LAND USE

Current Land Use	Commercial
Surrounding Land Use	Residential, Commercial, Agricultural, Park (provincial)

HISTORICAL ACTIVITY

File No.																		
<table><tr><th>IT File No.</th></tr><tr><td>HO-ALR-2002.2</td></tr><tr><td>HO-CL-2020.7</td></tr><tr><td>HO-DP-1997.3</td></tr><tr><td>HO-DP-2004.2</td></tr><tr><td>HO-DP-2006.1</td></tr><tr><td>HO-DP-2017.1</td></tr><tr><td>HO-DVP-2017.2</td></tr><tr><td>HO-RZ-2003.6</td></tr><tr><td>HO-SUB-2003.2</td></tr><tr><td>HO-SUP-2004.23</td></tr><tr><td>HO-SUP-2006.15</td></tr><tr><td>HO-SUP-2018.5</td></tr><tr><td>HO-TUP-2020.3</td></tr><tr><td>UN-DVP-1990.16</td></tr><tr><td>UN-DVP-1990.2</td></tr><tr><td>UN-DVP-1991.5</td></tr></table>	IT File No.	HO-ALR-2002.2	HO-CL-2020.7	HO-DP-1997.3	HO-DP-2004.2	HO-DP-2006.1	HO-DP-2017.1	HO-DVP-2017.2	HO-RZ-2003.6	HO-SUB-2003.2	HO-SUP-2004.23	HO-SUP-2006.15	HO-SUP-2018.5	HO-TUP-2020.3	UN-DVP-1990.16	UN-DVP-1990.2	UN-DVP-1991.5	
IT File No.																		
HO-ALR-2002.2																		
HO-CL-2020.7																		
HO-DP-1997.3																		
HO-DP-2004.2																		
HO-DP-2006.1																		
HO-DP-2017.1																		
HO-DVP-2017.2																		
HO-RZ-2003.6																		
HO-SUB-2003.2																		
HO-SUP-2004.23																		
HO-SUP-2006.15																		
HO-SUP-2018.5																		
HO-TUP-2020.3																		
UN-DVP-1990.16																		
UN-DVP-1990.2																		
UN-DVP-1991.5																		

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Retail and Personal Service (CS) 6.5 Retail and Personal Service 6.5.1.10 Temporary Use Permits may be permitted for: a) temporary use; b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning; c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or d) seasonal activities. 6.10 Temporary Use Permits The objectives of this subsection are: (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10; See Attachment 3 for a review of Temporary Use Permits (TUP) guidelines. Development Permit Areas • DPA 6 – Riparian Areas (not triggered) • Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (not triggered)
Land Use Bylaw	Zone: Commercial 1 (C1) – Retail (Co-op and Service Station) (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited: (a) retail; (b) restaurant; (c) service station; (d) personal service; and (e) office.
Other Regulations	Island Health Operation of a food premises under the <i>Food Premises Regulation</i> requires an application to Island Health prior to construction or operation. Water is considered as food and a condition of the draft TUP requires the applicant to provide authorization confirmation prior to issuance of the permit. FLNRORD/WSA A provincial license under the <i>WSA</i> is needed in order to use groundwater for commercial purposes. A condition of the draft TUP requires the applicant to provide authorization confirmation prior to issuance of the permit.
Covenants	• Undersurface Rights • RESTRICTIVE COVENANT EC26582
Bylaw Enforcement	HO-BE-2014.2 (siting) - closed

SITE INFLUENCES

Islands Trust Fund	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comments is not required.
Regional Conservation Strategy	The ITC – Regional Conservation Plan 2018-2027 identifies this area of Hornby Island as MEDIUM to LOW priority for conservation purposes.
Species at Risk	Secure/masked occurrence
Sensitive Ecosystems	Schedule D2 of the OCP identify the subject property just outside but adjacent to a Recharge area, and the aquifer is classified as IIIA – Moderately developed, high vulnerability. The ditches adjacent to the subject property that run along St. John’s Point Road and Central Road, are identified as Riparian Areas Regulation (RAR)-applicable watercourses, according to the Mimulus Report dated December 2011. It is noted that the Mimulus report identifies Ditch 4 (along St. John’s Point Road) as requiring an 8 m setback.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not identify any archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Groundwater Vulnerability	Aquifer Intrinsic Vulnerability - HIGH



**HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.3**

To: Hornby Island Cooperative Association

1. This Permit applies to the land described below:

PID 026-371-791

LOT 1, SECTIONS 6 AND 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP79310

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting bulk water sales from the subject lot in the amount specified by the appropriate provincial Ministry authorization under the *Water Sustainability Act*.
4. The use may be carried out subject to the following conditions:
 - 4.1 the applicant provide to Islands Trust a copy of the required commercial use authorization under the *Water Sustainability Act* prior to issuance of this permit.
 - 4.2 the applicant provide to Islands Trust any necessary authorization for the bottled water filling station from Island Health prior to issuance of this permit.
5. All in accordance with Schedule “A” – Site Plan attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
6. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

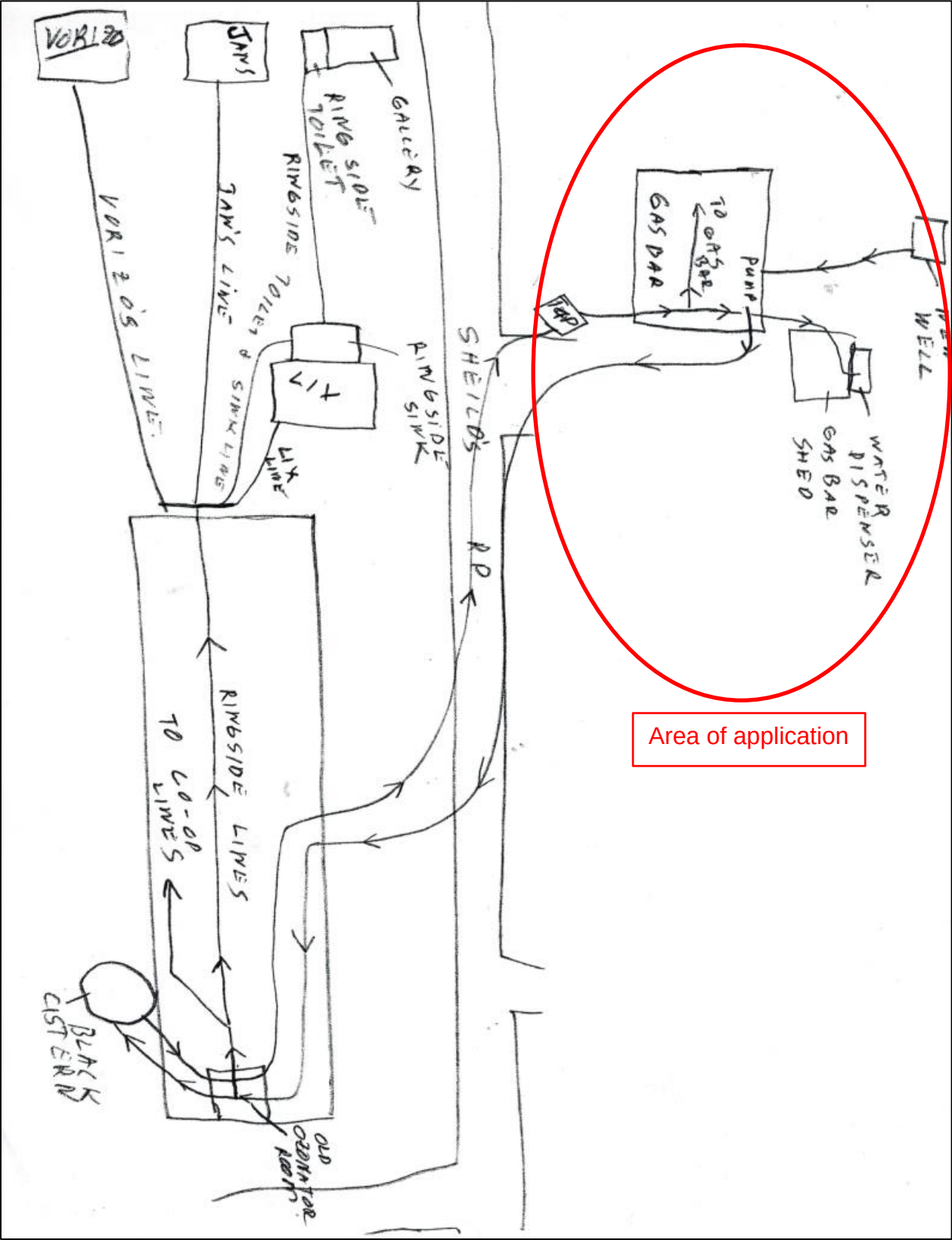
AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS XXTH DAY OF XX, 2021.

MONTH, DAY, 2021

Deputy Secretary, Islands Trust

Date Issued

HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.3
SCHEDULE "A" Site Plan



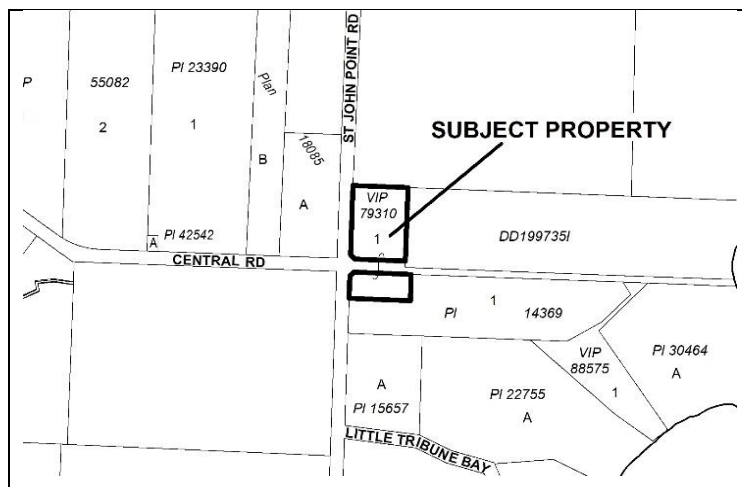


NOTICE
HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.3 (Hornby Island Cooperative Association)

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering the issuance of a Temporary Use Permit pursuant to *Section 493* of the *Local Government Act*.

The purpose of this Permit is to allow the continued sale of bulk water from the Gas Bar on the property legally described as: LOT 1, SECTIONS 6 AND 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP79310; (PID: 026-371-791, 5875 Central Road, Hornby Island, BC).

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



Enquiries or comments should be directed to Ian Cox, Planner 1 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867, before **4:00 p.m., March 24, 2021**.

Written submissions:

Mail: Islands Trust, 700 North Rd
Gabriola, BC V0R 1X3
Fax: 250-247-7514
Email: icox@islandstrust.bc.ca

A copy of the proposed Permit may be inspected from **March 15 to March 26, 2021** on the Islands Trust website:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications/>

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed permit at its **Electronic Business Meeting** to be held at **10:00 am, Friday, March 26, 2021**.

To listen or listen and view the Hornby Island Trust Committee meeting, March 26, 2021 starting at 10:00 a.m., the public may join the meeting by:

Electronically: <https://islandstrust.zoom.us/j/66489232258>

By phone: 833 955 1088 (Toll Free) or 833 958 1164 (Toll Free)

***9 to raise hand *6 to unmute**

Webinar ID: 664-8923-2258

Live Stream (to watch only): <https://colaboratevideo.net/islandstrust/C>

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

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

Becky McErlean
Deputy Secretary

ATTACHMENT 3 – TUP GUIDELINES (OCP AND LUB)

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions: a) properties less than one quarter of a hectare except when the application is for vacation home rental use, b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B, and c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.	6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions: a) properties less than one quarter of a hectare (0.63 acre), except when the application is for vacation home rental use, b) land designated as Park, , as shown on Schedule B, and c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.			<i>TBD by LTC</i> Staff note that Schedule D1 does not indicate the subject property contains an environmentally sensitive area. Staff note that Schedule D2 indicates the subject property is within an IIIA – Moderately developed, high vulnerability aquifer area and is immediately adjacent to a Recharge area. The siting of the Gas Bar is on an already developed/cleared area and borders the outer perimeter of the Recharge area identified on Schedule D2.
(2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.	6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.			<i>TBD by LTC.</i>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(3) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.	6.10.3 Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.	<i>n/a</i>		
(4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as highly developed.	6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.	<i>TBD by LTC</i> The Islands Trust Freshwater Specialist indicates that at this time, no further professional reporting or monitoring need be required beyond what will be the conditions of the provincial FLNRORD groundwater licence under the WSA. The licence would include extraction volume limits and monitoring requirements.		
(5) Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	<i>No</i>	<i>TBD</i>	Conditions of draft TUP.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(6) The general conditions for issuing a Temporary Use Permit are as follows: a) adequate off-road parking should be provided; b) confirmation that site conditions allow for adequate provisions for approved waste disposal; c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses; d) industrial uses should be screened from adjacent properties and roads; e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties; f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations; g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials; h) water supply should be addressed so as to not create negative impacts upon existing common water sources; i) other potential impacts upon the	6.10.6 The general conditions for issuing a Temporary Use Permit are as follows: a) adequate off-road parking should be provided; b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee; c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses; d) industrial uses should be screened from adjacent properties and roads; e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties; f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations; g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials; h) water supply should be addressed so as to not create negative impacts upon existing common water sources; i) other potential impacts upon the neighbourhood should be mitigated, including by limitations	No	TBD	Parking is provided on site for Gas Bar. No change in use proposed. n/a n/a No development proposed. No noise generation associated with proposed use. FLNRORD/Island Health approvals and conditions needed and pending. Same as above. Hours of operation same as current Gas Bar.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.	upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.			FLNRORD licence/Island Health approvals include monitoring for compliance. n/a
(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.	6.10.6* Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application. *Staff note the numbering in this section of the OCP is incorrect from Guideline 6.10.6 to 6.10.9.	No	TBD	TBD by LTC Staff has not received any public comment at the time of writing this report.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(8) Light Industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.	6.10.7 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.	<i>Pending in form of FLNRORD WSA licence and associated conditions</i>	<i>TBD</i>	WSA licence to address water/aquifer impacts per Islands Trust Freshwater Specialist.
(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.	6.10.8 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing temporary use permit applications.	<i>n/a</i>	<i>n/a</i>	None
(10) In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) limitations on any signage that may be placed on the property; c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	6.10.9 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) The cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) Limitations on any signage that may be placed on the property; c) A requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	<i>n/a</i>	<i>n/a</i>	None

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by regional district bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site; d) the proposed maximum number of occupants; e) the proposed time periods that dwelling will be available for rental or months of the year when the rental will occur; and (f) other considerations the LTC considers appropriate.	storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site; d) The proposed maximum number of occupants; e) The proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and. f) Other requirements that the Local Trust Committee may consider appropriate.			

File No.: DE-DP-2021.1
(Walmsley)

DATE OF MEETING: March 26, 2021
TO: Hornby Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Development Permit Application for DPA 6 – Riparian Areas
Applicant: Braea Walmsley
Location: 5185 Central Road PID: 003-812-286

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of HO-DP-2021.1 subject to the conditions imposed by the permit.

REPORT SUMMARY

The applicant seeks a Development Permit (DP) to authorize works that will be conducted within Development Permit Area (DPA) 6 – Riparian Areas. The proposal is to relocate existing concrete “Lock Block” storage bays for aggregate that are currently sited within the Streamside Protection and Enhancement Area (SPEA)¹ of a ditch in DPA 6, as delineated in the Impact Assessment Report (IA) by Toth and Associates Environmental Services (see **Attachment 1** – Impact Assessment Report). An approved DP is required before staff can process and issue the applicant’s concurrent Siting and Use Permit (SUP) for the above mentioned structures. The application meets the DPA guidelines as demonstrated in **Attachment 2** – DPA Guidelines and Application Assessment. Staff is recommending issuance of the permit.

BACKGROUND

The 2.2 hectare (~5 acre) subject property is currently zoned Residential 2 – Large Lot (R2) under the [Hornby Island Land Use Bylaw](#) (LUB) and surrounded by other parcels in that zone, as shown in **Figure 1**. Part of the subject property lies within DPA 6 as shown in the figure (blue polygon) due to a series of drainage ditches in the area that flow into Beulah Creek. Staff identified the need for the owner to apply for a DP through the receipt of a Siting and Use Permit (SUP) application for the concrete structures, at which time the applicant was advised that a companion DP would be needed before the SUP could be issued.

¹ https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/assessment_reports.pdf

The applicant engaged the services of a Qualified Environmental Professional (QEP) to conduct a report in order to satisfy the requirements of the DPA guidelines. Stated in the IA report, “As the concrete lock-block containment bays have been located within the Riparian Areas DPA without a prior Riparian Areas Protection Regulation (RAPR) assessment and Development Permit, a “Condition & Impact Assessment” as described by Section 2.5.2 of The Professional Practice Guidelines – Legislated Riparian Area Assessments in British Columbia (V1.1, July 2017) must be completed. A Condition & Impact Assessment is not a riparian assessment under the RAPR because the RAPR specifies a process to be followed, and an assessment conducted retroactively of development is not consistent with that process.”



Figure 1: Subject property location and DPA 6 in blue (source: Islands Trust TAPIS mapping)

ANALYSIS

Policy/Regulatory

Official Community Plan:

The objectives of Development Permit Area 6 are found in section 6.9.4 of the Hornby Island [Official Community Plan](#) (OCP) and are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation

4. To prevent the degradation of existing and future water supplies on Hornby Island
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
6. To prevent water pollution

Land Use Bylaw:

The subject property is located within the R2 zone. See **Attachment 4** – Site Context for further property zoning information. LUB Section 9.6.1 b) stipulates that the “Construction of, addition to or alteration of a building or other structure” is an activity that shall require a development permit whenever it occurs within the DPA. The LUB contains development guidelines for DPA 6 – Riparian Areas. An assessment of how the guidelines are addressed by this application is provided in **Attachment 2** and a summary of the conditions and SPEA protection measures are included in the Issues and Opportunities section below.

Issues and Opportunities

Per the QEP recommendations in the IA report, the draft DP and its conditions would permit and direct the relocation of the aggregate bays to a location outside the ditch SPEA at a minimum of 2m beyond the top of its bank, as measured from the base of the lock-blocks to the top of the ditch bank.

No tree or vegetation removal is proposed within the SPEA and it is to be marked on the ground prior to any works taking place. The marking of the SPEA boundaries will also be included as a condition of the concurrent SUP to denote the areas where vegetation/tree removal or placement of the blocks and any associated material or debris cannot occur.

In order to mitigate any material entering the watercourse during relocation of the blocks, staff has requested additional recommendations from the QEP beyond what was included in the IA. These erosion and sediment control measures are included as conditions of the draft DP in **Attachment 3** – Draft Development Permit.

Rationale for Recommendation

Staff deem the application to meet the DPA Guidelines and recommends that the LTC issue the DP as presented in **Attachment 3**.

ALTERNATIVES

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

1. **Deny the application**

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

That the Hornby Island Local Trust Committee deny application HO-DP-2021.1 for the following reasons [insert reasons, e.g. the proposed development permit does not meet the Develop Permit No. 6 – Riparian Areas guidelines because...].

2. **Require additional condition(s)**

The LTC may approve the permit with additional conditions. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2021.1 as drafted with the following additional conditions: [insert conditions...].

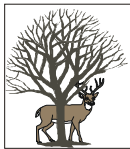
NEXT STEPS

Should the LTC concur with staff's recommendation, the DP will be issued and the concurrent SUP processed accordingly.

Submitted By:	Ian Cox – Planner 1, Northern Team	March 10, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 10, 2021

ATTACHMENTS

1. Impact Assessment Report by Toth and Associates
2. DPA Guidelines and Application Assessment
3. Draft Development Permit
4. Site Context



October 26, 2020

Braea Walmsley
5185 Central Road,
Hornby Island, B.C. V0R-1Z0

Re: Condition & Impact Assessment of surface water drainage on 5185 Central Road (PID# 003-812-286), Hornby Island.

1.0 INTRODUCTION

Toth and Associates Environmental Services conducted a field survey of bulk sand & gravel containment areas on 5185 Central Road, Hornby Island on October 21, 2020 to determine if the rectangular concrete lock-block containment bays for bulk sand and gravel storage (Photographs 1 – 4) has had any detrimental impact on a seasonal ditch adjacent to the west side of the bays (Photographs 5 – 8). Schedule E of the Hornby Island Official Community Plan Bylaw (No. 149, 2014) designates a Riparian Areas Development Permit Area (DPA No. 6) associated with the seasonal ditch along the west side and south end of the subject property (Figure 1).

As the concrete lock-block containment bays have been located within the Riparian Areas DPA without a prior Riparian Areas Protection Regulation (RAPR) assessment and Development Permit, a “Condition & Impact Assessment” as described by Section 2.5.2 of The Professional Practice Guidelines – Legislated Riparian Area Assessments in British Columbia (V1.1, July 2017) must be completed. A Condition & Impact Assessment is not a riparian assessment under the RAPR because the RAPR specifies a process to be followed, and an assessment conducted retroactively of development is not consistent with that process.

1.1 Hornby Island Official Community Plan Bylaw

Section 6.9.4 of the Official Community Plan (OCP) indicates that this DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule (E) as “RAR applicable” streams, major wetlands, and lakes as the term “streams” is defined in the Riparian Areas Regulation, BC Fish Protection Act, which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook; and
- a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark.

Development Permit Area Guidelines for the Riparian Areas DPA are located in the Land Use Bylaw.

1.2 Hornby Island Land Use Bylaw No. 150, 2014

Section 9.6 of the Hornby Island Land Use Bylaw No. 150, 2014 indicates that “Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas development permit area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Section 9.6.2.”. Section 3.3(2) of the Land Use Bylaw indicates that “No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea”.

A **watercourse** is defined by the Land Use Bylaw as “any natural depression with a bed 0.6 m or more below the average elevation of the surrounding land, containing water at least six months of the year”.

A **structure** is defined by the Land Use Bylaw as “any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.

2.0 ASSESSMENT RESULTS

Mimulus Biological Consultants completed an in depth survey of RAR stream identification on Ford Creek and portions of the Beulah Creek Watersheds on Hornby Island for the Islands Trust (*RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds*, Mimulus 2011). Madrone Environmental Services Ltd. also conducted surveys of Beulah Creek for the Islands Trust in 2013 (*Hornby Island Riparian Area Regulation Stream Identification – Beulah Creek and Three Un-named Watersheds*, Madrone 2014).

Map 16 of the Mimulus report identifies the drainage ditch on and adjacent to the subject property as Ditch 5B. Ditch 5B flows into Trib. 1 approximately 250 m southeast of the subject property. Trib. 1 was reported as having an average gradient of 25%, which is above the accepted threshold for upstream fish passage. Trib. 1 flows approximately 50 m to Beulah Creek.

Despite being in an area that has been largely developed and populated for many years, no information is found for Beulah Creek from government fisheries databases (FIDQ, HabitatWizard). In the case of Beulah Creek, despite apparently hundreds of thousands of chum and coho salmon eggs / fry being supplied by federal hatcheries, the only source of information we found was from a search of the internet, which yielded the following information:

- Hornby Island Conservancy article regarding improved fish passage / culvert replacements at Central Road in 2019 and intended stream restoration in 2020.
- Hornby Island Vacant Crown Land Profiles (July 15, 2004) indicates that Beulah Creek is one of only two fish bearing watercourses on Hornby Island and that Beulah Creek “has been the subject of a long-standing salmon enhancement project that is *now bearing results*. This Creek is intermittent in the summer and its flow is dependent upon maintaining and restoring the wetlands and natural drainage pattern that feeds it”.
- Heron Rocks Friendship Centre Newsletter June, 2006 indicated that on April 10, 2006, 35,000 chum fry from the Rosewall Creek hatchery were released by Hornby Island Community School students into Beulah Creek.

- Salmon Enhancement Program Community Involvement Project Directory 1991-1992 indicated 100,000 chum eggs and an incubation box constructed on Beulah Creek; and,
- A YouTube video of a pair of chum salmon spawning in Beulah Creek (posted by J. Yearsley) in 2014 (<http://www.youtube.com/watch?v=4e3yDOFpSI4>).

The Denman and Hornby Islands Water Allocation Plan (MELP, 1994) indicates that the Mean Monthly Discharge for Beulah Creek for the period of June 1 – September 30 ranges from 0 – 4 litres / sec. With the exception of chum and pink salmon, all of our anadromous salmonids require a significant period of freshwater rearing, ranging from approximately 3 months – 2 years. Essentially this implies that while Beulah Creek could support chum and pink salmon populations, in order to support species such as coho salmon and cutthroat trout stream flows must be available during the critical over-summering period.

The seasonal ditch along the west side of the subject property starts approximately 30 m upstream of the sand and gravel bulk storage bays. The ditch format is approximately 0.8 m wide x 0.6 m deep. The bottom of the ditch is largely vegetated with terrestrial plant species including sword fern, grasses and weeds. Downstream along Central Road the ditch is less defined, consisting of a shallow swale densely vegetated with terrestrial herbaceous grasses and weeds with no evidence of alluvium. Staining on a driveway culvert at the southeast end of the subject property indicates very low flows (Photograph 9). There was no water in the ditch, and leaf matter in the bottom of the ditch was undisturbed despite approximately 90 mm of rainfall in the past few weeks.

The concrete lock blocks on the rear of the storage bays are located approximately 1 m from the top of bank of the seasonal ditch. The field survey did not document any evidence of run-off, sediment input or sand / gravel spillage into the ditch from the bulk storage bays. Ditch banks were intact with no slumping or fractures and were well vegetated.

The Streamside Protection and Enhancement Area (SPEA) setback width required by the *Riparian Areas Protection Regulation* for a non fish-bearing ditch is 2.0 m from top of ditch bank.

3.0 DISCUSSION & RECOMMENDATIONS

Based on the field survey results the seasonal ditch would not fulfill the 6 month flow duration requirement to be considered a “watercourse” under the Land Use Bylaw and therefore Section 3.3(2) of the bylaw (concerning watercourse setback requirements) should not apply. Whether or not the lock-block bulk storage bays could represent “structures” under the Land Use Bylaw appears to be a somewhat more complex question, considering that they are composed of loose (albeit large) concrete blocks intended for the storage of sand / gravel building materials.

While the ditch has been identified previously as an assessable ditch under the *Riparian Areas Regulation*, our survey results indicate that it is a very marginal assessable watercourse. In order to be classified an assessable stream under the RAR, a ditch must be connected by surface flow to a downstream freshwater fish bearing watercourse. There are sections of the ditch along Central Road that provide minimal evidence of carrying any sustained surface flows (Photographs 7 & 8).

It is our understanding that due to a limited available turning radius, re-positioning the lock-blocks to be 2 m from the top of ditch bank could impede the ability for dump-trucks to deliver sand and gravel

to the site. However, the new *Riparian Areas Protection Regulation* enacted on November 1, 2019 is specific in its terms that no development of any kind is permitted within a SPEA setback, and that no level of government can permit a variance to a SPEA setback.

In order to meet the requirements of the RAPR and the Land Use Bylaw's Riparian Areas DPA Guidelines we are unfortunately required to recommend that the lock-block sand / gravel containment bays be re-positioned to be a minimum of 2 m away from the ditch, as measured from the base of the lock-blocks to the top of ditch bank. This may require that the southerly bays which have a restricted turning radius due to the proximity of the fence on the east side of the driveway be relocated to beyond the north end of the existing bays.

You may be required to obtain a Development Permit from the Hornby Island Local Trust Committee to undertake these works.

Should you have any questions or concerns regarding the contents of this report, please feel free to contact me at (250) 390-7602.

Sincerely,



Steve Toth, AScT, R.P.Bio.

Toth and Associates Environmental Services

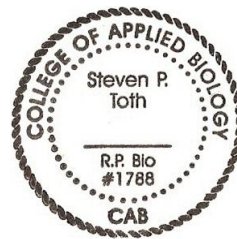
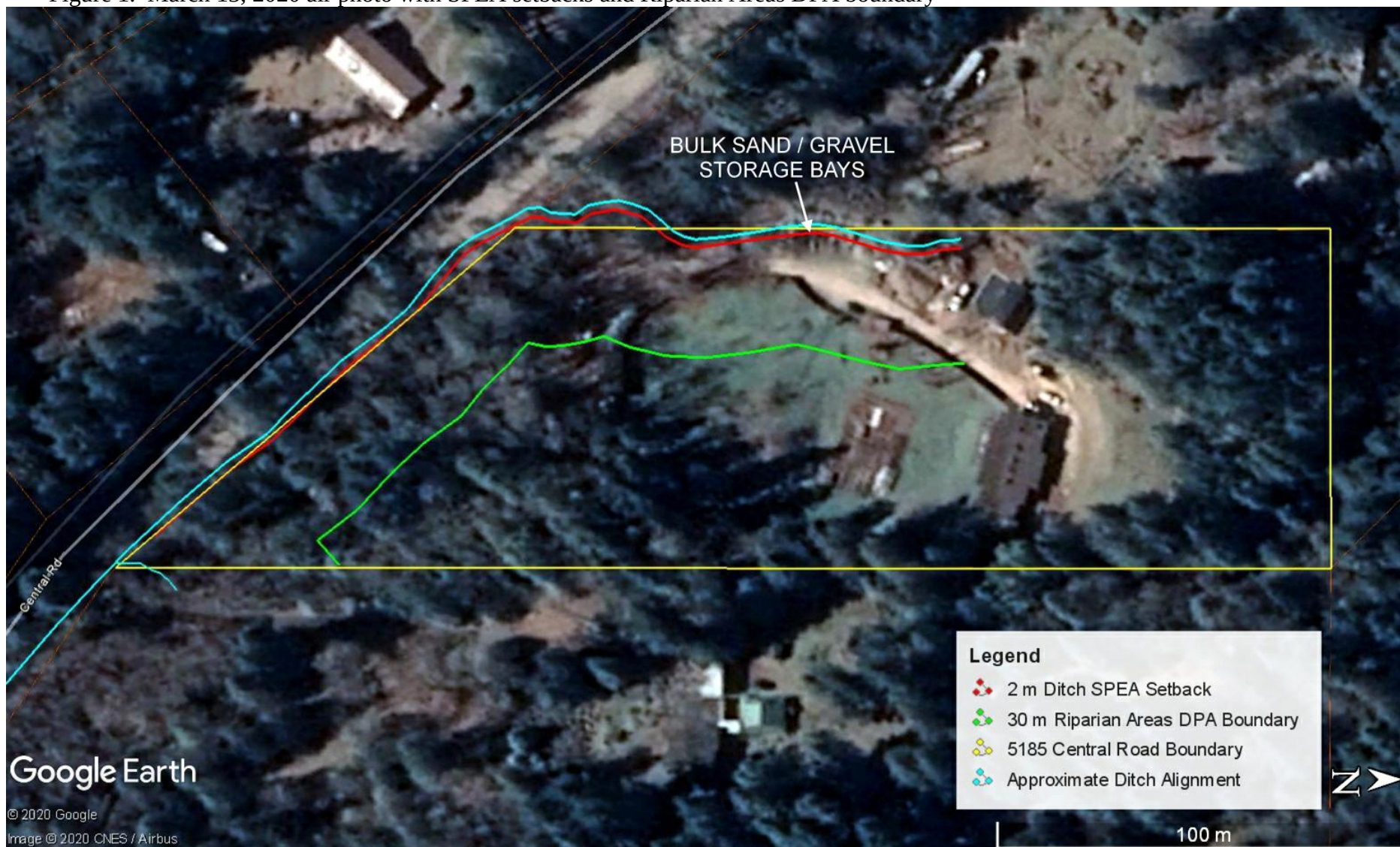


Figure 1. March 13, 2020 air photo with SPEA setbacks and Riparian Areas DPA boundary





Photograph 1. October 21, 2020. View from driveway to concrete lock-block bays.



Photograph 2. View of concrete lock-block containment with gravel.



Photograph 3. View downstream along the rear of the bulk storage bays with ditch on right.



Photograph 4. View upstream along rear of bulk storage bays with ditch on left.



Photograph 5. View downstream on ditch between lock-block bays and Central Road.



Photograph 6. View upstream from Central Road to where ditch enters from subject property.



Photograph 7. View downstream on poorly defined ditch / swale along Central Road.



Photograph 8. View of staining on driveway culvert indicating typical water level.

ATTACHMENT 2 – DPA GUIDELINES AND APPLICATION ASSESSMENT

HORNBY ISLAND DPA NO. 6 RIPARIAN AREAS

Guideline	Complies	Planner Comments
9.6.3 a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	Condition 3.1 and 3.2 of the draft DP per recommendations made by the QEP post IA at the request of staff.
9.6.3 b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.	yes	No development activities are proposed within the SPEA identified by the QEP.
9.6.3 c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during	yes	Conditions 3.1 and 3.2 of the draft DP. No monitoring has been recommended by the QEP.

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

ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 17793
PID	003-812-286
Civic Address	5185 Central Road, Hornby

LAND USE

Current Land Use	Residential with home occupations
Surrounding Land Use	R2 - Residential Agriculture (South of Central Road)

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2015.5	House and garage
HO-SUP-2020.16	Aggregate bays – subject of DP application (concurrent)

POLICY/REGULATORY

Hornby Island Official Community Plan No. 149, 2014	Land Use Designation: Rural Residential (RR) Development Permit Area No. 6 – Riparian Areas The objectives of DPA 6 are: 1. To honour provincial designations of certain lands as for agricultural purposes 2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems 3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation 4. To prevent the degradation of existing and future water supplies on Hornby Islands Trust 5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas 6. To prevent water pollution
Hornby Island Land Use Bylaw No. 150, 2014	Residential 2 - Large Lot Zone (R2) Development Permit Area No. 6 – Riparian Areas 9.6.1 Applicability The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

	a) Subdivision of land; b) Construction of, addition to or alteration of a building or other structure; c) Alteration of land; d) Development as that term is defined in the Riparian Areas Regulation, BC Fish Protection Act; and e) Installation of any structures within a stream or within the natural boundary of a lake.
Covenants	None
Bylaw Enforcement	HO-BE-2020.19 – Subject of DP application

SITE INFLUENCES

Islands Trust Fund	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) – owned property or conservation covenant nor adjacent. No referral to ITC for comment required.
Regional Conservation Strategy	Relative value of natural area – medium/high
Species at Risk	Secured/Masked occurrence
Sensitive Ecosystems	Property is identified as within the CDF ecosystem ITEM – Rural and Young Forest (not SEI)
Hazard Areas	Currently none recorded
Archaeological Sites	The owners and applicant should be aware that there is a possibility that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and the Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Does not appear that the proposed development will contribute to or mitigate climate change. Subject property is over 1,000 metres from natural boundary of the sea.
Shoreline Classification	Not Applicable



HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT HO-DP-2021.1 (WALMSLEY)

To: Braea Coertze De Rose and Eben Walmsley

1. This permit applies to:

PID 03-812-286

LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 17793

2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within "Development Permit Area No. 6: Riparian Areas" designated under the *Hornby Island Official Community Plan Bylaw No. 149*; and

3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Land Use Bylaw No. 150, 2014*, authorizing **the relocation of the aggregate "Lock Block" storage bays as identified in Schedule "A"- Condition and Impact Assessment Report, dated October 26, 2020 by Toth and Associates Environmental Services** for 5185 Central Road, attached to and forming part of this Permit. The permit is subject to the following conditions:

3.1 Marking of the Streamside Protection and Enhancement Area (SPEA)

Before relocation of the Lock Blocks, the Streamside Protection and Enhancement Area (SPEA) as delineated in the Condition and Impact Assessment Report, must be clearly marked on the ground and no further disturbance may occur within the area beyond the removal of the Lock Blocks, including the removal or destruction of vegetation and trees.

3.2 Sediment and Erosion Control Measures

On recommendation of Toth and Associates Environmental Services, if there are flows in the ditch at the time of the Lock Block relocation, clean crushed gravel should be used to create a series of 2 or 3 gravel check-dams across the ditch at the downstream end of the work area. The gravel should then be removed/salvaged in the summer season once the ditch is dry.

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

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____ 2021.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2023 THIS PERMIT AUTOMATICALLY LAPSES.



**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2021.1 (WALMSLEY)**

SCHEDULE "A"

Condition and Impact Assessment Report
by Toth and Associates Environmental Services dated October 26, 2020



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602

E-mail: stoth@shaw.ca

October 26, 2020

Braea Walmsley

5185 Central Road,

Hornby Island, B.C. V0R-1Z0

Re: Condition & Impact Assessment of surface water drainage on 5185 Central Road (PID# 003-812-286), Hornby Island.

1.0 INTRODUCTION

Toth and Associates Environmental Services conducted a field survey of bulk sand & gravel containment areas on 5185 Central Road, Hornby Island on October 21, 2020 to determine if the rectangular concrete lock-block containment bays for bulk sand and gravel storage (Photographs 1 – 4) has had any detrimental impact on a seasonal ditch adjacent to the west side of the bays (Photographs 5 – 8). Schedule E of the Hornby Island Official Community Plan Bylaw (No. 149, 2014) designates a Riparian Areas Development Permit Area (DPA No. 6) associated with the seasonal ditch along the west side and south end of the subject property (Figure 1).

As the concrete lock-block containment bays have been located within the Riparian Areas DPA without a prior Riparian Areas Protection Regulation (RAPR) assessment and Development Permit, a “Condition & Impact Assessment” as described by Section 2.5.2 of The Professional Practice Guidelines – Legislated Riparian Area Assessments in British Columbia (V1.1, July 2017) must be completed. A Condition & Impact Assessment is not a riparian assessment under the RAPR because the RAPR specifies a process to be followed, and an assessment conducted retroactively of development is not consistent with that process.

1.1 Hornby Island Official Community Plan Bylaw

Section 6.9.4 of the Official Community Plan (OCP) indicates that this DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule (E) as “RAR applicable” streams, major wetlands, and lakes as the term “streams” is defined in the Riparian Areas Regulation, BC Fish Protection Act, which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook; and
- a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark.

Development Permit Area Guidelines for the Riparian Areas DPA are located in the Land Use Bylaw.

1.2 Hornby Island Land Use Bylaw No. 150, 2014

Section 9.6 of the Hornby Island Land Use Bylaw No. 150, 2014 indicates that “Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas development permit area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Section 9.6.2.” Section 3.3(2) of the Land Use Bylaw indicates that “No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea”.

A **watercourse** is defined by the Land Use Bylaw as “any natural depression with a bed 0.6 m or more below the average elevation of the surrounding land, containing water at least six months of the year”.

A **structure** is defined by the Land Use Bylaw as “any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.

2.0 ASSESSMENT RESULTS

Mimulus Biological Consultants completed an in depth survey of RAR stream identification on Ford Creek and portions of the Beulah Creek Watersheds on Hornby Island for the Islands Trust (*RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds*, Mimulus 2011). Madrone Environmental Services Ltd. also conducted surveys of Beulah Creek for the Islands Trust in 2013 (*Hornby Island Riparian Area Regulation Stream Identification – Beulah Creek and Three Un-named Watersheds*, Madrone 2014).

Map 16 of the Mimulus report identifies the drainage ditch on and adjacent to the subject property as Ditch 5B. Ditch 5B flows into Trib. 1 approximately 250 m southeast of the subject property. Trib. 1 was reported as having an average gradient of 25%, which is above the accepted threshold for upstream fish passage. Trib. 1 flows approximately 50 m to Beulah Creek.

Despite being in an area that has been largely developed and populated for many years, no information is found for Beulah Creek from government fisheries databases (FIDQ, HabitatWizard). In the case of Beulah Creek, despite apparently hundreds of thousands of chum and coho salmon eggs / fry being supplied by federal hatcheries, the only source of information we found was from a search of the internet, which yielded the following information:

- Hornby Island Conservancy article regarding improved fish passage / culvert replacements at Central Road in 2019 and intended stream restoration in 2020.
- Hornby Island Vacant Crown Land Profiles (July 15, 2004) indicates that Beulah Creek is one of only two fish bearing watercourses on Hornby Island and that Beulah Creek “has been the subject of a long-standing salmon enhancement project that is now bearing results. This Creek is intermittent in the summer and its flow is dependent upon maintaining and restoring the wetlands and natural drainage pattern that feeds it”.
- Heron Rocks Friendship Centre Newsletter June, 2006 indicated that on April 10, 2006, 35,000 chum fry from the Rosewall Creek hatchery were released by Hornby Island Community School students into Beulah Creek.

- Salmon Enhancement Program Community Involvement Project Directory 1991-1992 indicated 100,000 chum eggs and an incubation box constructed on Beulah Creek; and,
- A YouTube video of a pair of chum salmon spawning in Beulah Creek (posted by J. Yearsley) in 2014 (<http://www.youtube.com/watch?v=4e3yDOFpSI4>).

The Denman and Hornby Islands Water Allocation Plan (MELP, 1994) indicates that the Mean Monthly Discharge for Beulah Creek for the period of June 1 – September 30 ranges from 0 – 4 litres / sec. With the exception of chum and pink salmon, all of our anadromous salmonids require a significant period of freshwater rearing, ranging from approximately 3 months – 2 years. Essentially this implies that while Beulah Creek could support chum and pink salmon populations, in order to support species such as coho salmon and cutthroat trout stream flows must be available during the critical over-summering period.

The seasonal ditch along the west side of the subject property starts approximately 30 m upstream of the sand and gravel bulk storage bays. The ditch format is approximately 0.8 m wide x 0.6 m deep. The bottom of the ditch is largely vegetated with terrestrial plant species including sword fern, grasses and weeds. Downstream along Central Road the ditch is less defined, consisting of a shallow swale densely vegetated with terrestrial herbaceous grasses and weeds with no evidence of alluvium. Staining on a driveway culvert at the southeast end of the subject property indicates very low flows (Photograph 9). There was no water in the ditch, and leaf matter in the bottom of the ditch was undisturbed despite approximately 90 mm of rainfall in the past few weeks.

The concrete lock blocks on the rear of the storage bays are located approximately 1 m from the top of bank of the seasonal ditch. The field survey did not document any evidence of run-off, sediment input or sand / gravel spillage into the ditch from the bulk storage bays. Ditch banks were intact with no slumping or fractures and were well vegetated.

The Streamside Protection and Enhancement Area (SPEA) setback width required by the *Riparian Areas Protection Regulation* for a non fish-bearing ditch is 2.0 m from top of ditch bank.

3.0 DISCUSSION & RECOMMENDATIONS

Based on the field survey results the seasonal ditch would not fulfill the 6 month flow duration requirement to be considered a “watercourse” under the Land Use Bylaw and therefore Section 3.3(2) of the bylaw (concerning watercourse setback requirements) should not apply. Whether or not the lock-block bulk storage bays could represent “structures” under the Land Use Bylaw appears to be a somewhat more complex question, considering that they are composed of loose (albeit large) concrete blocks intended for the storage of sand / gravel building materials.

While the ditch has been identified previously as an assessable ditch under the *Riparian Areas Regulation*, our survey results indicate that it is a very marginal assessable watercourse. In order to be classified an assessable stream under the RAR, a ditch must be connected by surface flow to a downstream freshwater fish bearing watercourse. There are sections of the ditch along Central Road that provide minimal evidence of carrying any sustained surface flows (Photographs 7 & 8).

It is our understanding that due to a limited available turning radius, re-positioning the lock-blocks to be 2 m from the top of ditch bank could impede the ability for dump-trucks to deliver sand and gravel

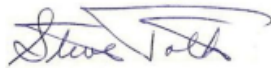
to the site. However, the new *Riparian Areas Protection Regulation* enacted on November 1, 2019 is specific in its terms that no development of any kind is permitted within a SPEA setback, and that no level of government can permit a variance to a SPEA setback.

In order to meet the requirements of the RAPR and the Land Use Bylaw's Riparian Areas DPA Guidelines we are unfortunately required to recommend that the lock-block sand / gravel containment bays be re-positioned to be a minimum of 2 m away from the ditch, as measured from the base of the lock-blocks to the top of ditch bank. This may require that the southerly bays which have a restricted turning radius due to the proximity of the fence on the east side of the driveway be relocated to beyond the north end of the existing bays.

You may be required to obtain a Development Permit from the Hornby Island Local Trust Committee to undertake these works.

Should you have any questions or concerns regarding the contents of this report, please feel free to contact me at (250) 390-7602.

Sincerely,

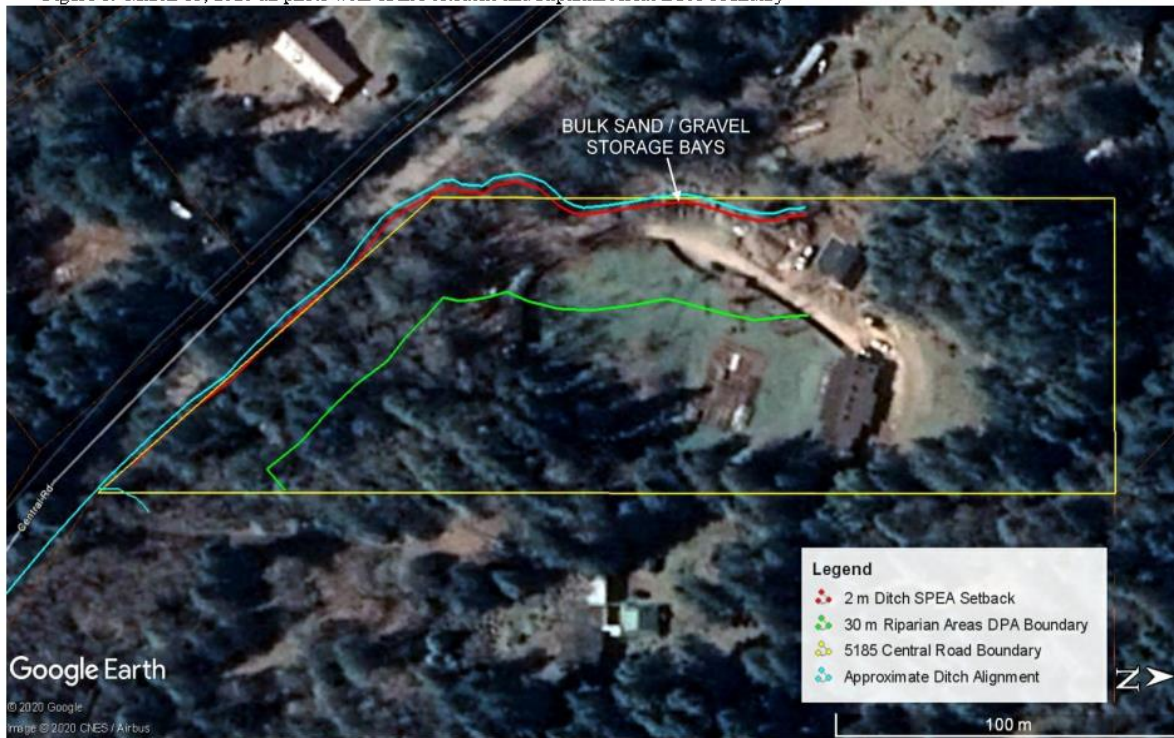


Steve Toth, ASCT, R.P.Bio.

Toth and Associates Environmental Services



Figure 1. March 13, 2020 air photo with SPEA setbacks and Riparian Areas DPA boundary





Photograph 1. October 21, 2020. View from driveway to concrete lock-block bays.



Photograph 2. View of concrete lock-block containment with gravel.



Photograph 3. View downstream along the rear of the bulk storage bays with ditch on right.



Photograph 4. View upstream along rear of bulk storage bays with ditch on left.



Photograph 5. View downstream on ditch between lock-block bays and Central Road.



Photograph 6. View upstream from Central Road to where ditch enters from subject property.



Photograph 7. View downstream on poorly defined ditch / swale along Central Road.



Photograph 8. View of staining on driveway culvert indicating typical water level.



File No.: HO-ALR-2021.1 (Stead)
[X-REF. HO-SUP-2021.1]

DATE OF MEETING: March 26, 2021

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

SUBJECT: Non-Adhering Residential Use (second dwelling)
Applicant: Sharon Stead
Location: 6555 Central Road
PID: 002-755-181
LOT 4, SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 26301

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request staff to forward HO-ALR-2021.1 to the Agricultural Land Commission with the following comments:**
 - **The Hornby Island Local Trust Committee finds HO-ALR-2021.1 to be consistent with the objectives and policies of the Hornby Island Official Community Plan and Hornby Island land Use Bylaw regulations, and so deems the application to meet the criteria necessary to warrant consideration by the Commission for a Non-Adhering Residential Use.**

REPORT SUMMARY

This application is coming before the Hornby Island Local Trust Committee (LTC) through a process as set out by the Agricultural Land Commission (ALC) under Sections 25(3) and 34(4)-(5) of the *Agricultural Land Commission Act (ALCA)*. Certain types of applications to the Commission must first be vetted by local governments for Official Community Plan (OCP) policy support and zoning/Land Use Bylaw (LUB) compliance before being sent to the Commission for further consideration. One such type of application is to permit a “Non-Adhering Residential Use” (NARU) which is what the applicant in this case has applied to have considered. The application process is as follows:

- Applicant uploads required documents to ALC application portal;
- Local government (LG) receives notification of application;
- Applicant contacted by staff to pay LG portion of application fee;
- LG considers application for conformance with OCP policy and Zoning;
- LG provides comments to ALC on conformity with its own bylaws and recommendation(s) by resolution as to whether to forward the application to the Commission for further consideration;
- ALC renders decision;
- ALC communicates with LG staff as to decision.

This NARU application seeks permission to construct a second residential dwelling for immediate family on land within the Agricultural Land Reserve (ALR) that is not a manufactured home as currently required by the *ALR Use Regulation*, Section 32(3).¹ Staff finds that the proposal is consistent with the objectives and policies of the Hornby Island Official Community Plan (OCP) related to the use of agricultural land and residential density permitted by zoning under the Hornby Island Land Use Bylaw (LUB). Therefore, staff recommends that the application be forwarded to the ALC for decision.

BACKGROUND

Recent changes to the *ALCA* direct an owner of land to apply to the ALC for decision on permission under section 25 of the *ALCA* for a non-adhering residential use. Prior to these changes to the Act, such permissions were addressed under a “non-farm use” application. The definition of “non-farm use” was altered to reflect other policy changes and is now defined in the Act as “the use of agricultural land other than a farm use, a residential use or a soil or fill use.” Under the Act, “non-adhering residential use” means any of the following:

- a) an additional residence;
- b) a principal residence having a total floor area that is more than 500 m²;
- c) a use of a residential structure that contravenes the regulations”

The details of the applicant’s proposal may be found in **Attachment 1** – Applicant Proposal and Rationale.



Figure 1 - Subject Property Air Photo

¹ https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_5_residences_in_the_alr.pdf

ANALYSIS

Policy/Regulatory

Island Trust Policy Statement (ITPS)

Three policies are of particular relevance to this application:

4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.

4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

Official Community Plan

The OCP designates the subject property as Agriculture (A). The Agriculture land use designation includes objectives and policies that support the continuation of agricultural activities, protection of future food production and agricultural capability and that encourage large parcel retention. Of particular relevance to this application is the following:

- OCP Policy 6.4.1.4 allows a second dwelling on parcels 3.5 hectares (8.6 acres) or greater in the ALR, only if the second dwelling is necessary for farm use as determined by the LTC, **or if authorized as a non-farm use by the ALC. [emphasis added]**

Land Use Bylaw

Under the Hornby Island Land Use Bylaw No. 150 (LUB), the subject property is currently zoned Agricultural 1 (A1). Permitted uses in the A1 zone include:

- a) Residential use of a dwelling;
- b) Agriculture;
- c) Silviculture;
- d) Secondary suite in a dwelling on lots 2.0 hectares or larger;
- e) Accessory uses, including but not limited to home occupations; and,
- f) Vacation home rental use.

LUB Section 8.5(2) permits:

- b) a maximum of two dwelling units per lot having an area of 4 hectares or greater, **subject to approval by the ALC. [emphasis added]**

The subject property is 4.33 hectares in area (10.71 acres).

Agricultural Land Commission Act

Residential use of agricultural land

20.1 (1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

- (a) the agricultural land may have no more than one residence per parcel;
- (b) the total floor area of a principal residence must be 500 m² or less;
- (c) the residential structure must be sized, sited and used, in accordance with all applicable regulations.

(2) An owner may apply

- (a) to the commission for permission under section 25 for a non-adhering residential use, or [emphasis added]**
- (b) in the manner set out in the regulations for a variation of or exemption from a regulation with respect to size or siting.

ALR Use Regulation

Additional residence

32 (3) **An additional residence that is a manufactured home** and that is not a pre-existing residential structure is **permitted if [emphasis added]**

- (a) the manufactured home is 9 m or less in width,
- (b) the manufactured home is used only by the owner or any of the following persons who are related within the meaning of subsection (4):
 - (i) a person who is the owner's
 - (A) parent, grandparent or great grandparent,
 - (B) sibling, or
 - (C) child, grandchild or great grandchild;
 - (ii) the owner's spouse, or a person who is a parent of the owner's spouse,

Issues and Opportunities

The applicant wishes to construct a second residence for immediate family on the subject lot. The *ALR Use Regulation* (see above) currently permits only a manufactured home for this purpose. Due to site constraints and other considerations, the applicant seeks ALC permission to construct a conventional building on-site. See **Attachment 1** – Applicant Proposal and Rationale and **Attachment 2** – ALC Application.

Consultation

No statutory public consultation is required as part of this application. The LTC is tasked with evaluating whether the proposal is in accordance with its currently enacted bylaws and to make a decision on whether to forward the application to the ALC for consideration based on that criteria.

First Nations

ALC *NARU* applications do not raise staff concern regarding the LTC and the broader Islands Trust commitment to Reconciliation at this time. Any archaeological or cultural heritage concerns will be addressed through the analysis

of the companion Siting and Use Permit application in stream that is required to construct and site the proposed second dwelling.

Rationale for Recommendation

Staff has analysed the application and concluded that it is consistent with land use planning objectives and policies in the Hornby OCP and LUB regulations regarding density on agricultural land in the A1 Zone. Specifically, the parcel on which the proposed second dwelling is to be located meets the minimum 4 hectare parcel size stipulated by LUB Section 8.5(2). Staff's recommendation is found on page 1 of this report.

ALTERNATIVES

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

1. Not forward the application

If the LTC considers the application unworthy of ALC consideration, the LTC may choose not to forward it. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee direct staff to not forward application HO-ALR-2021.1 to the Agricultural Land Commission.

NEXT STEPS

Staff will take the appropriate action as directed by LTC resolution. Should the ALC grant the non-adhering residential use, staff will process the applicant's concurrent Siting and Use Permit HO-SUP-2021.1 accordingly upon receiving confirmation of the Commission's decision and any associated conditions.

Submitted By:	Ian Cox – Planner 1, Northern Team	March 11, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 15, 2021

ATTACHMENTS

1. Applicant Proposal and Rationale
2. ALC Application

ATT01 - Applicant Proposal and Rationale

At this time, local government, not, however, may, have authority to approve manufactured homes as second residences for family members on parcels of land in the Agricultural Land Reserve.

We would like to construct a second residence under this clause, however, placing a manufactured home on the property presents unique, costly and unreasonable challenges.

We are requesting approval to vary the requirement for the second residence to be a manufactured home and allow the second residence to be a modular home or a standardly constructed home occupying a square footage no larger than that permitted for a manufactured home (9 m x 22.86 m or 2214 square feet).

The challenges in siting a manufactured home are:

1. There are two ferries connecting Hornby Island to Vancouver Island. B.C. Ferries cannot accommodate manufactured homes on these two small ferries. A manufactured home would have to be barged to Hornby Island, a truck dispatched to transfer the home from the barge and transport it on narrow roads across the Island. This would be a significant cost and not one most farm owners in BC face.

2. Our existing driveway will not accommodate the width needed for a truck carrying a manufactured home. The driveway is intentionally narrow to preserve land suitable for farming.

3. Accommodating a truck and trailer would require widening about 1300 feet of driveway. To do this we would need to:

- bring in a lot of gravel (fill)
- remove approximately 1100 feet of barbed wire/page wire fencing and all the fenceposts and rebuild the fence
- deconstruct and rebuild a corral and loading chute (adjacent to the driveway for easy loading of livestock)
- dismantle and reconstruct heavy bracing for 4 cross fences (for pasture rotation)

For a small farming operation, this entails a lot of work and expense.

4. As the driveway enters the forested section of the property there are tight turns that a large truck could not navigate. This part of the driveway was constructed to preserve the existing forest which has been identified as an eco sensitive area (mature forest - tertiary class) by Islands Trust mapping. Tree removal and stream diversion would be necessary to permit passage.

These preparations seem excessive for a one time use. They are costly and would not be consistent with preserving agricultural land and sensitive ecosystems.

We have a second driveway accessing the parcel from Seawright Road. This driveway was constructed under a permit issued by the Ministry of Transportation and Highways in July 2000 (see attached). Section 44 and 45 of the permit specifies that trees cannot be removed and the corridor width wide enough to accommodate single vehicle, one-way traffic only. To avoid removing trees, the driveway has very tight turns that cannot be navigated by a big truck and trailer.

These are the only access points to the property.

It could be argued that a manufactured home be placed in another location on the parcel not requiring these extensive alterations.

We have chosen this site for the following reasons:

1. Preservation of agriculturally capable land

There would be no loss of agricultural land at the proposed site because Island Trust setbacks and sensitive ecosystems preclude farming in this area.

Hornby Island Land Use Bylaw:

3.3 Siting and Setback Regulations

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

(7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30 metres from any well or from the natural boundary of any lake, watercourse or the sea.

(8) The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15.0 metres of the natural boundary of any lake, watercourse or the sea

In addition, the proposed site is within an area identified as ecologically sensitive (mature forest - tertiary class.....see attached mapping document). Seasonal streams and ditches collecting water from a drainage swale run through the forested area.

Clearing the existing forested area for farmland would not be consistent with preserving and protecting this sensitive area.

The location of the proposed second residence would be between the mandatory 15.0

metre setback from the sea and the 30 metre setback for feeding troughs, manure piles etc., would not require the removal of trees and would preserve natural watercourses.

The second residence would be located in a clearing. This clearing was created through the loss of trees in 2006 by hurricane force winds that hit the area. Extensive work was done by an arborist to restore the area. Since the storm, we have slowly been reforesting the area and have done extensive work to remove and control holly, an invasive species.

As landowners in the ALR, we believe we have a responsibility to protect and preserve both agricultural capability and ecosystems within the property.

Placing a second residence anywhere else on the parcel would result in loss of agriculturally capable land.

2. Some history:

We purchased the property on May 19, 1973. The ALRA was proclaimed on May 18, 1973. Instructions for preparation of ALR plans began on November 29, 1973. At the time of purchase, there was nothing noted on the title to indicate the land was in the ALR nor were there any guidelines or restrictions regarding residences or structures.

At the time of purchase Island Trust bylaws permitted two dwellings on properties greater than 3.5 ha (8.75 acres). Our property is 4.33 Ha (10.7 acres). This is still the case for properties not in the ALR.

Since purchase, the parcel has been continuously farmed and has been a principal residence.

At the time of purchase, we identified our proposed second residence site as the spot we wanted to build our home. But, we were young, newly married and had very limited financial resources. Lending institutions would not approve funds for building on what they deemed "recreational properties". We had a mortgage for the land purchase but couldn't access funds for building a residence. The chosen building site required extensive, costly infrastructure including drainage, construction of a 1400 foot driveway and had a very long run for installation of overhead or underground wiring for power. With no funds to do this, we erected a relocatable, pre-fabricated building on an area of the property that had an existing partial excavation and was a short run to the main road for a driveway and power. It was always our intention to build a more permanent home at the proposed site. Over the years, we have worked towards completing much of the infrastructure necessary for a residence at the proposed site.

Our proposal to have a second residence could be considered or viewed in two different ways.

1. Varying the requirement for a second residence for a family member to be a manufactured home as outlined above or,

2. Non-adhering residential use:

2.0 Housing to reflect agricultural activity

“where an applicant can demonstrate that the scale and intensity of the farm operation has exceeded the labour capacity of the owner/resident”

- property is jointly owned and was the principal residence and farmed by both owners/residents from 1973 to 1990
- in 1990, one owner/resident and children moved away from the property in order to work and attend school. They continued to be involved in farming activities part time and as needed
- the other owner continued to live on the property and performed the majority of farming activities.
- he is now only able to be minimally involved with farm activities because of failing health. He is unable to lift bales of hay, do fencing, manage large animals (herding/calving etc.), fertilize fields because of very restricted mobility and poor balance. It is no longer safe for him to do these activities.
- the other owner has retired from off island work, has moved back to the farm and has assumed the majority of farm work.
- the current cow/calf operation, although very small, requires year round on-site management. The intensity of involvement varies seasonally. The owners have also been experimenting with a small market garden to determine feasibility in the long term.
- the owners have lived apart for 30 years and would like to continue living in separate residences. Therefore, the second residence for a family member (spouse) is requested. The second residence would also be used in the short and long term by the owners son and family. They are seasonally involved in farming activities at the present time and will continue to do so.

Under this clause (non-adhering), there is no requirement for the second residence to be a manufactured home.

We have also considered the homesite severance provision but at this time we do not wish to sell any portion of the property.

We understand that the ALC considers applications on a case by case basis. Our application definitely “falls between the cracks” of existing guidelines and regulations. We sincerely hope that our unique situation can be accommodated.
Thank you for your consideration.

What the Commission considers:

Applicant information: How long applicants have owned the property?

- May 19, 1973

Parcel information: Is property currently used for agriculture?

- Yes, has been farmed continuously and had farm status since purchase in 1973

Any attempted agricultural improvements?

Yes. Construction of barn/feeder, construction of tool/equipment storage shed, construction of garden shed, development of long driveway to access pastures, excavation of two walk-in ponds that collect surface water for watering livestock, drainage (swales) of low lying pastures, reclamation of areas invaded by sedge grass, extensive perimeter and cross fencing, ditching to prevent streams entering the property from eroding pastures

Is property suitable for agriculture?

Proposed site for a second residence has the least agricultural suitability of the parcel. The existing wooded area retains the bank (cliff) and sea/land interface. It has been identified as an eco sensitive area (mature forest - tertiary class) by Island Trust mapping. Setbacks don't allow farming activity to take place in the proposed site area. The second residence would be located in a clearing and no trees would need to be removed.

What types of land use surround the property?

South - 5 small (1 acre) residential lots

East - property borders on ocean

West - 10 acre lots - mix of farm and residential

North - 3 - 10 acre ALR parcels. Each of these parcels have more than one dwelling.

Proposal Information:

Does the proposal encourage or enhance agriculture or agri-business in the long term?

Yes, it will encourage farming of the parcel through generations of family

Will the proposal encourage farm use in the ALR while preserving the land base?

Yes

Will the proposal remove Agricultural land?

No

Is non-adhering residential use necessary for, or supportive of farm use?

It is supportive of farm use

Will the size and siting of the residential use minimize the impact to ALR?

Yes. The proposed site is an undeveloped (uncleared) forested portion of the parcel. Proximity to shoreline, sensitive eco-system designation, topography, existing streams and drainage ditches and Island Trust setback regulations make it unavailable or unsuited for farming. The existing principal residence is situated close to farm infrastructure. This allows farm help to easily observe cattle while feeding, calving etc.

Does the proposal/application impact the size, continuity or integrity of the ALR land base?

No. The proposed second residence location is unsuitable for farming and is protected from farming by Island Trust setbacks. The adjoining 3 - 10 acre ALR parcels all have two dwellings located in the same section of the parcel.

Provincial HO-ALR-2021.1 ATT02 - ALC Application Application - Applicant Submission

Application ID: 61895

Application Status: Under LG Review

Applicant: Sharon Stead , Richard Stead

Agent: Sharon Stead

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 01/28/2021

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: Please see attached

Agent Information

Agent: Sharon Stead

Mailing Address:

[REDACTED]
[REDACTED]
[REDACTED]

Canada

Primary Phone: [REDACTED]

Mobile Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 002-755-181

Legal Description: Lot 4, Plan VIP26301, Section 6, Nanaimo Land District, Hornby Island

Parcel Area: 4.3 ha

Civic Address: 6555 Central Road, Hornby Island, BC, V0R 1Z0

Date of Purchase: 05/19/1973

Farm Classification: Yes

Owners

1. **Name:** Sharon Stead

Address:

[REDACTED]
[REDACTED]
[REDACTED]

Canada

Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

2. **Name:** Richard Stead

Address:

Applicant: Sharon Stead , Richard Stead

Canada

Phone:

Email:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

We have a small, grass fed, cow/calf operation (4 cows). Annually, calves are sent to auction and/or held to raise to market weight for beef.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

- perimeter fencing
- cross fencing (for pasture rotation)
- construction of holding pen and chute
- annual fertilization of fields
- construction of hay storage barn with covered hay feeding rack attached
- construction of shed for storage of farm tools and equipment
- construction of garden shed, irrigated raised beds, fruit trees and small fruits enclosure (netted for birds)
- excavation of two walk in ponds collecting surface water for livestock watering
- reclamation of low lying pasture areas (sedge type grass unpalatable to cattle)
- drainage of low pasture area with swales
- diversion of stream to prevent flooding and erosion of soil in pastures
- construction of driveway along property line to provide access to pastures
- planting of trees to provide shade for livestock

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

None

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Cattle, produce for market garden, hay

East

Land Use Type: Other

Specify Activity: Ocean

South

Land Use Type: Residential

Specify Activity: 5 approx 1 acre lots

West

Land Use Type: Residential

Specify Activity: Some residential, some farm

Proposal

1. What is the purpose of the proposal?

Please see attached

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

Please see attached

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

One primary residence , occupied by owner/farmer

1487square feet

4. What is the total floor area of the proposed additional residence in square metres?

204 m²

5. Describe the rationale for the proposed location of the additional residence.

Please see attached

6. What is the total area of infrastructure necessary to support the additional residence?

Likely a 2 car garage or carport

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Sharon Stead
- Other correspondence or file information-Agreement of purchase and sale
- Other correspondence or file information-BC Assessment
- Site Photo-Driveway and access
- Site Photo-Driveway and access 2
- Other correspondence or file information-Eco sensitive map Islands Trust
- Other correspondence or file information-Second driveway location
- Other correspondence or file information-What the Commission considers
- Other correspondence or file information-Narrative
- Other correspondence or file information-Existing buildings and structures
- Proposal Sketch-61895
- Other correspondence or file information-Permission for second driveway
- Certificate of Title-002-755-181

ALC Attachments

None.

Decisions

None.

DATE OF MEETING: March 26, 2021

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Application to amend the LUB for the existing campground
Applicant: Issac Kramer
Location: 2105 Shingle Spit Rd.
LOT A, SECTION 13, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 38493
(PID 001-034-367)

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request the applicant for HO-RZ-2020.1 provide the following information:
 - a) Details of the onsite wastewater system for the campground operation in the form of an Island Health filing for the onsite wastewater treatment system, or a copy of a report by a qualified professional engineer, with expertise in wastewater treatment for non-domestic services.
2. That the Hornby Island Local Trust Committee request staff explore options for protecting the hazardous area identified on the subject property in Schedule F – Hazard Areas of the Hornby Island Official Community Plan Bylaw No. 149.

REPORT SUMMARY

Rezoning application HO-RZ-2020.1 is to request a bylaw amendment to permit the existing campground use on the subject property. The purpose of this report is to:

- Provide the Hornby Island Local Trust Committee with a preliminary overview of the rezoning proposal;
- Identify any land use planning issues and opportunities associated with the application; and
- Seeks direction from the LTC on proceeding with the application.

Staff are recommending that the LTC request additional information of the applicant and staff prior to proceeding to drafting bylaws at this time.

BACKGROUND

The subject property is a 1.97 ha (4.86 acre) waterfront lot on Shingle Spit Road. Current uses on the lot include residential and a 50-site campground.

The campground on the lot was deemed to be legal non-conforming at the time of adoption of the Hornby Island Zoning Bylaw No. 9, 1983. In 2019, Bylaw Enforcement file HO-BE-2019.6 was opened for violation of the

LUB, as it was determined the campground operation was occurring beyond the scale of what existed at the time of adoption of the land use bylaw. Under Section 530 of the *Local Government Act*, a legal non-conforming use is not permitted to expand beyond the scale or extent it operated at the time of adoption of the bylaw:

530 *In relation to land, section 528 [non-conforming uses] does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.*

As a result of Bylaw Enforcement action, the applicant has submitted a rezoning application to request an amendment to the LUB for site-specific zoning to permit the existing campground operation at the scale and density that it currently operates at. An amendment to the LUB would recognize both the historic and current residential and campground use.

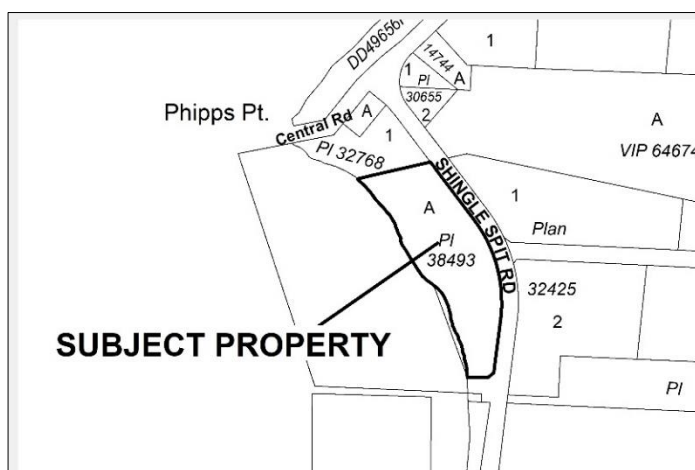


FIGURE 1. SUBJECT PROPERTY MAP



FIGURE 2. ORTHOPHOTO OF SUBJECT PROPERTY

At the request of staff, the applicant has submitted supporting documents including a copy of a provincial water license and a survey plan of the subject property.

A comprehensive Site Context analysis is provided in Attachment 1. A review of relevant Hornby Island Official Community Plan (OCP) Bylaw No. 149 policies is provided in Attachment 2. Site plans and a campground map are found in Attachment 3.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Applicable policies from the Islands Trust Policy Statement (ITPS) include:

- ***Directive Policy 4.4.2*** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:*
 - *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
 - *water quality is maintained, and*
 - *existing, anticipated and seasonal demands for water are considered and allowed for.*

- **Directive Policy 5.7.2** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.*

Staff note that an ITPS Checklist (Directives Only) will be completed to ensure consistency with the ITPS at the time that draft bylaw amendments are presented to the LTC.

Official Community Plan:

The purpose of the OCP is to serve as a guide to the LTC when decisions are to be made regarding bylaw amendments, or when applications for permits are considered with respect to community land use.

Staff consider the proposal to be generally consistent with OCP policies that support visitor accommodation use and more specifically, campground use. However, staff note that several OCP policies are ambiguous and may be interpreted broadly. Staff consider the following policies to be most relevant to this rezoning application:

- **Policy 6.5.2.1** *Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.*
- **Policy 6.5.2.4** *Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.*
- **Policy 6.5.2.5** *Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:*
 - a) *Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and*
 - b) *vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.*

Staff have identified several OCP policies that may be addressed through the rezoning process, including:

- **Policy 4.2.1** *Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the Private Managed Forest Land Act) should be strongly discouraged and regulated by the appropriate authority.*
- **Policy 6.1.12** *In order to protect the natural environment and maintain neighbourhood views, screening and natural landscaping should be maintained on all parcels and along all lot lines in accordance with land use bylaw regulation.*
- **Policy 6.1.15** *The protection of the Island from fire hazard should be considered when developing land use regulations.*
- **Policy 6.5.2.3** *Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in 7.3.1(f)¹, to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at*

¹ Incorrect citation. Should reference 7.3.1(d).

the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.

The subject property is located within the designated Commercial Development Permit Area (DPA). In the Commercial DPA, a development permit is required for any development, subdivision or land alteration related to commercial use. At this time, no additional development is proposed.

Attachment 2 of this report provides a comprehensive overview of relevant OCP policies.

Land Use Bylaw:

The subject property is zoned Residential 2 – Large Lot (R2) in the LUB. Permitted uses in the R2 zone include residential, horticulture, vacation home rental, and accessory uses including home occupations. “Campground” is not listed as a permitted use in the R2 zone. The existing campground operation does not comply with the use regulations in the R2 zone, and requires rezoning with site specific regulations to address use, density, and siting.

The adjacent foreshore and marine area is zoned Mariculture (M3), of which there is an active Crown tenure for Aquaculture.

Issues and Opportunities

Existing Campground Use

The current campground includes 50 camping sites, along with associated infrastructure, including an office, laundry facility, playground, recycling depot, washrooms and outhouse. Attachment 3 provides site plans and a campground map.

As noted, the campground on the lot was deemed to be legal non-conforming at the time of adoption of the Hornby Island Zoning Bylaw No. 9, 1983. Although not a policy, the “Background” of Section 6.5.2 – Visitor Accommodation and Tourism of the OCP notes the following for the subject property:

“One existing property, Lot A Plan 38493 Section 13, known as “Bradsdadslands”, is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.”

It has been determined that the campground operation has expanded beyond the scale or extent that operated at the time of adoption of the bylaw. Should the LTC proceed with the application, an amendment to the LUB would recognize both the historic and current campground use, along with the existing residential use on the lot.

Water and Septic

Under the *Water Sustainability Act* (WSA), use of groundwater for non-domestic purposes requires a water license with the Province. At the request of staff, the applicant has provided a copy of Water License 501598, dated October 30, 2019. The Water License is for industrial (commercial enterprise) use and requires the following:

- Maximum quantity of water diverted for commercial use (campground) is 20 cubic metres (20,000 L) per day, at a rate not to exceed 1,400 cubic metres per year;

- Year-round use;
- Flow meter records to be retained for inspection upon request.

[Schedule D2](#) of the OCP places the lot within the provincial map-based aquifer classification IIIA. Class IIIA aquifers are considered “lightly developed, high vulnerability”, meaning that demand is considered low relative to productivity and the aquifer is highly vulnerable to contamination from surface sources. The lot is not within the Recharge Zone shown on Schedule D2.

OCP Policy 6.5.2.1 provides that visitor accommodation should be “environmentally sensitive”. While it is unclear what is meant specifically in this policy, staff considers aquifers and the marine environment to be environmentally sensitive features. There is ongoing concern on Hornby Island related to contamination of groundwater resources stemming from inadequate sewage/septic treatment. Aside from the location of the washroom facility and outhouse shown on the submitted survey plan, little is known of the onsite wastewater treatment system utilized by the existing campground (Attachment 3). As well, given the close proximity to the marine environment, staff are recommending that the LTC request further information from the applicant regarding the onsite wastewater treatment system. This may be in the form of an Island Health filing or a copy of a report by a qualified professional engineer, with expertise in wastewater treatment for non-domestic services. This request aligns with OCP Policy 6.5.2.3, which provides that applicants for visitor accommodation zoning should provide an impact assessment report to demonstrate “...effective and approved sewage and grey water treatment...” as defined in 7.3.1(f) [staff note this is incorrectly cited, and should be 7.3.1(d)]. Regulation 7.3.1(d) in the OCP provides the following:

7.3.1 *The Hornby Island Local Trust Area is designated as an area under which development approval information may be required for the following purposes:*

(d) Rezoning applications for the purpose of obtaining consistent and comprehensive information on the impacts of changes to permitted siting, structures, use or density, to ensure achievement of the objectives stated in this plan as they apply to the parcel proposed to be rezoned and the surrounding areas, vegetation, environment and infrastructure, including, without limitation, for the purposes of the policies stated in s. 6.5.2.3 of this Plan.

Hazardous Areas

[Schedule F](#) of the OCP identifies areas on Hornby Island considered to be “Hazard Areas”, with a slope greater than 30%. Figure 3 shows the area of the subject property that are identified on Schedule F (shown in red).

Staff are aware that some tree removal has occurred along the shoreline of the subject property; however, it is not known to what extent this has occurred. There is currently no regulation in place to guide development in hazardous areas, aside from LUB regulation 3.3(5) which requires that buildings and structures be located at least 15 metres from any cliff (definition for “cliff” provided in the LUB), or reduced to 10 metres with the certification of a professional geotechnical engineer. There is one OCP Policy 4.2.1 that discourages tree removal on steep slopes as follows:

4.2.1 *Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the Private Managed Forest Land Act) should be strongly discouraged and regulated by the appropriate authority.*

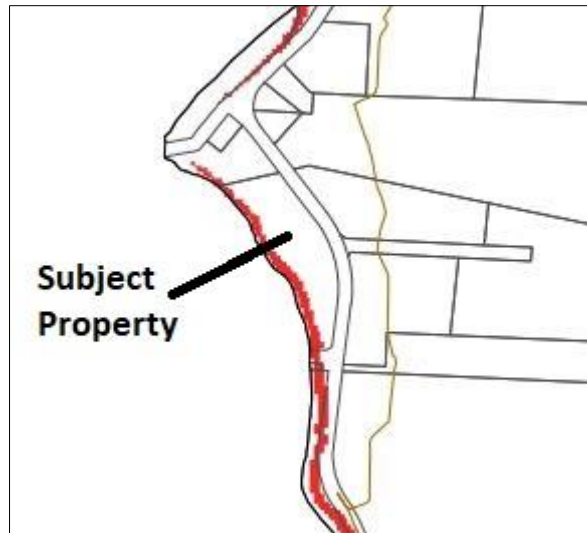


FIGURE 3. EXCERPT OF SCHEDULE F

Island-wide staff would recommend that the LTC consider establishing a Development Permit Area (DPA) for protecting development from hazardous conditions under Section 488(1)(b) of the *Local Government Act*. Rather than placing a DPA for hazardous conditions on one lot, one option for the LTC is to require registration of a Section 219 covenant to protect an identified hazardous or sensitive area. Such a covenant could limit development in that area to minimize risk to people and property, prevent any alterations to slopes that could cause instability and preserve the ecological and structural integrity of the slope. This may require additional work by a registered engineer with experience with geotechnical engineering. There may be other options for the LTC, such as implementing further land use bylaw regulations through the rezoning process.

Staff are recommending that the LTC request staff explore options for protecting the identified hazardous area on the subject property.

Fire

Climate projections for the Islands Trust Area, including Hornby Island, indicates that there will continue to be hotter, drier summers, increasing the risk of wildfires. The Comox Valley Regional District (CVRD) has established the [Hornby Island Fire Protection Service Regulation Bylaw No. 282](#), which regulates fires on Hornby Island. On privately owned campgrounds where there are no local open burning bylaws in place by the local government, fire bans and restrictions are regulated under the provincial *Wildfire Act* and Regulation. The Hornby Island Fire Rescue is responsible for fire protection services on Hornby Island, and follows both CVRD bylaw and provincial requirements. On Hornby Island, the Fire Chief may enforce fire bans in particularly dry weather and is also required to follow any provincial bans in place.

Staff have contacted the Fire Chief, who has indicated that no concerns have been raised on the subject property in relation to fire hazards. It was noted that air quality concerns arise each summer in relation to campfires, specifically when the Ventilation Index is high. At this time, there is no regulation in place that addresses air quality concerns.

Screening

The LUB currently includes screening requirements in Section 3.10 where a commercial use is sited adjacent to a residential use. OCP Policy 6.1.12 also supports screening to protect the natural environment and maintain neighbourhood views.

The campground map provided by the applicant (Attachment 3) identifies 7 existing campsites abutting the northwest lot line, directly adjacent to a residential lot. Should the LTC proceed with the application, to ensure privacy and reduce neighbour complaints, consideration should be made for including specific screening requirements for the campground. Staff could provide options for the LTC in a subsequent staff report.

Ambiguity in OCP Policies

While staff have indicated that this application is generally consistent with the OCP policies related to visitor accommodation and campgrounds, it is noted that there is ambiguity in these policies. Specifically, OCP Policy 6.5.2.1 supports visitor accommodation that is “environmentally sensitive, small-scale and low density”. No definition exists for the terms “small-scale” and “low density” in the OCP; however the second sentence in the policy references convention centres and multi-room hotels. Staff would consider a campground to not be equivalent to a convention centre or a multi-room hotel, however the intent is unclear in the OCP of what is considered “small-scale” or “low density”.

As noted, there are currently 50 existing camping spaces on the 1.97 hectare subject property. An analysis of existing campground regulations in the LUB provide guidance in determining whether the proposed rezoning aligns with OCP Policy 6.5.2.1, and the community character of Hornby Island. Table 1 provides a comparison of the lots on Hornby Island that are currently zoned for campground use.

Table 1.

Zone	Lot	Lot Size	Land Use Bylaw Regulation
Commercial 4 (C4) – (Sea Breeze)	THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 17, HORNBY ISLAND, NANAIMO DISTRICT (PID 009-649-506)	4.41 ha (10.9 acres)	8.12(2)(c) permits a max. of 10 camping spaces
Commercial 7 (C7) – (Tribune Bay)	LOT 1, SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 14369 EXCEPT THAT PART IN PLAN 47420 (PID 001-901-354)	3.25 ha (8.02 ha)	8.15(2)(b) permits a max. of 120 camping spaces
Commercial 8 (C8) – (Ford Cove)	LOT 1, SECTION 2, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 8602 (PID 005-574-170)	1.07 ha* (2.66 acres) *partly in A1 zone	8.16(2)(b) permits a max. of 8 camping spaces

It is noted that the C4 zone (Sea Breeze) is also permitted a max. of five (5) visitor accommodation units for each 1.0 hectare of lot area, to a max. of twenty (20) units per lot; and, the C8 zone (Ford Cove) is associated with the Commercial 5 (C5) zone that permits six (6) visitor accommodation units per lot.

To get an understanding of how the zones that permit campground use and the subject property are dispersed across the island, Figure 4 identifies the C4, C7, C8 and subject property.

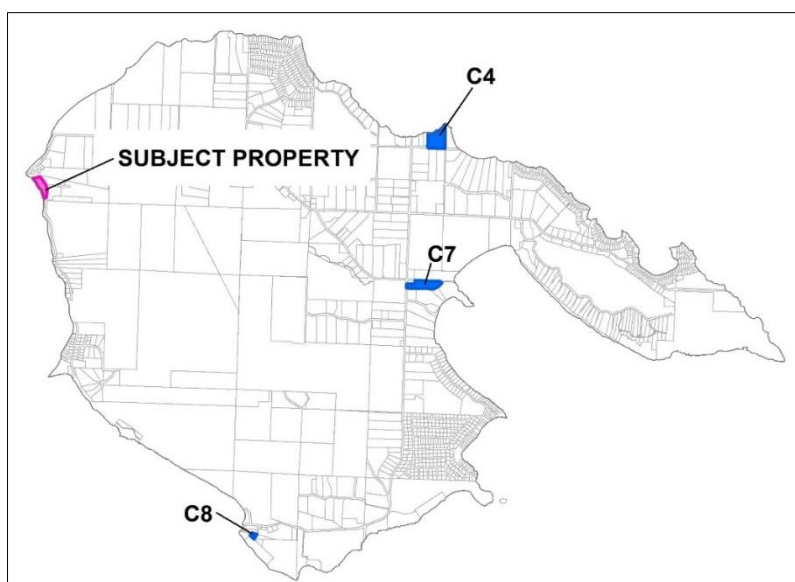


FIGURE 4. LOCATION OF ZONES PERMITTING CAMPGROUND USE

Staff also consider OCP Policy 6.5.2.2 to be ambiguous in nature, as it refers to ““destination resort” type development”, but does not provide a definition for this term:

6.5.2.2 *“Destination resort” type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.*

This policy considers drawing “large numbers of tourists at one time” to be inappropriate, however the OCP references Hornby Island increasing popularity as a summer destination and notes that tourism is a “key component of the local economy”.

In the “Background” of Section 6.5.2 – Visitor Accommodation and Tourism (in the OCP), “unsupervised” and “unserviced” camping are not considered desirable. While “unserviced” camping is considered undesirable, OCP Policy 6.5.2.4 does not support individual hook-up of power and water:

6.5.2.4 *Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.*

It is staff’s understanding that there are several campsites that provide access to power on the subject property. While campsites with power and water access may not fully align with OCP Policy 6.5.2.4, it is not prohibited outright.

Consultation

Statutory Requirements

The statutory process for bylaw amendments is prescribed by the *Local Government Act* (LGA) and *Islands Trust Act*.

Section 464 of the LGA requires a public hearing be held before adopting a zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” If the LTC deems a proposed bylaw amendment to be consistent with the OCP, then the LTC may waive

the holding of a public hearing of a proposed zoning bylaw. The LTC is required to give notice regarding the waiving of a public hearing in accordance with Section 467 of the LGA.

Protocols

There is a Letter of Understanding (LOU) dated October 28, 2018, between the Hornby LTC, Denman LTC and CVRD Board. Should the LTC proceed with the application, the LOU provides details on consultation with the CVRD including early review of draft bylaws.

Agencies

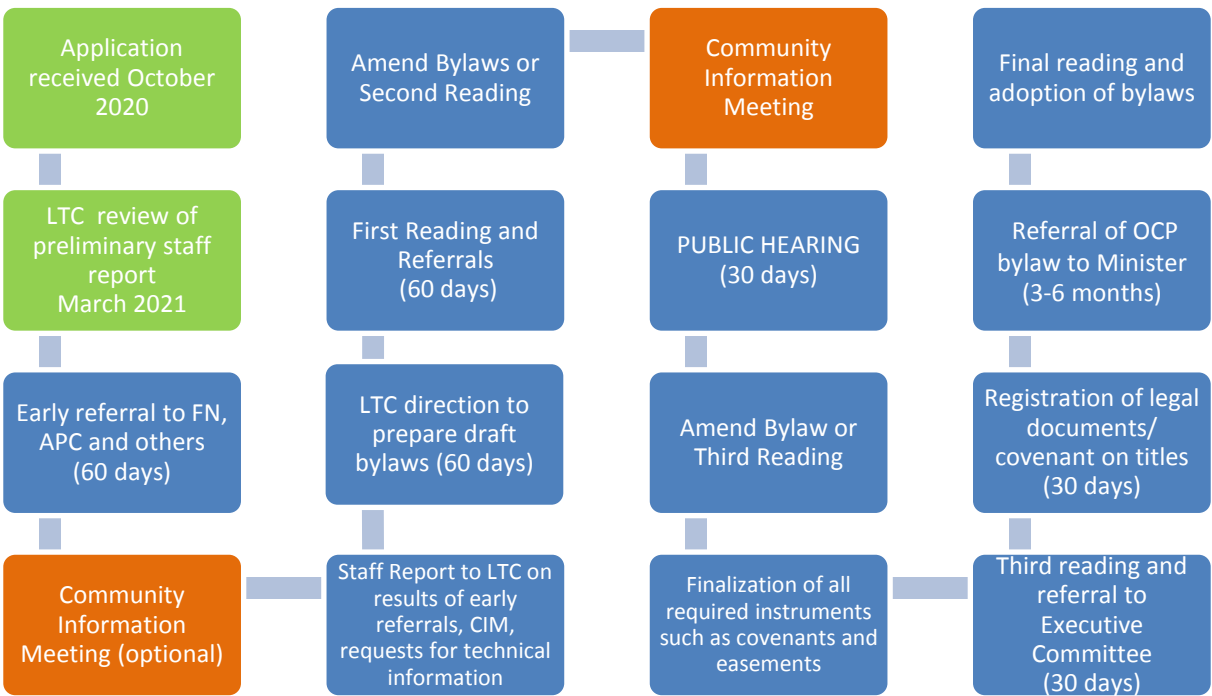
Should the application proceed, draft bylaws may be referred to a number of agencies and First Nations.

First Nations

At the time of this report, staff have not provided written notification to First Nations regarding the rezoning application. In respect of the LTC Standing Resolution HO-2019-038, which seeks to engage in Reconciliation with local First Nations, staff intends to inform K’ómoks First Nation and Tla’amin Nation in writing of the application by the March 26, 2021 LTC regular business meeting date.

Timeline

A draft process timeline is identified below. Public input can be provided and considered at any time in the process up until the conclusion of the public hearing. The general process may be updated at any time.



Rationale for Recommendation

Staff consider the application to be generally consistent with OCP policies that guide visitor accommodation and campgrounds on Hornby Island. However, prior to proceeding to drafting bylaws, staff are recommending that

additional information be provided to the LTC regarding the onsite wastewater treatment system for the existing campground operation to address any concerns related to contamination of the groundwater/aquifer and to the marine environment.

To minimize risk to people and property and to preserve the ecological integrity and slope stability of the area of the subject property identified on Schedule F – Hazard Areas in the OCP, the LTC may request that staff explore options for protecting this area the subject property.

The staff recommendations are found on page 1 of this report.

ALTERNATIVES

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

1. Direct staff to prepare draft bylaw

If the LTC is satisfied with the information provided, the LTC may request staff to proceed with preparing a draft bylaw. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend the Hornby Island Land Use Bylaw No. 150 that will:

- a) *Rezone LOT A SECTION 13 HORNBY ISLAND NANAIMO DISTRICT PLAN 38493 (PID 001-034-367) to a site specific zone which regulates permitted uses, buildings and structures; height; siting requirements including setbacks and lot coverage; parking; and subdivision.*

2. Request further information

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

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

3. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are bylaw enforcement on the existing use. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee proceed no further with application HO-RZ-2020.1 for the following reasons [insert reasons].

NEXT STEPS

Should the LTC concur with staff recommendations, staff will inform the applicant and report back to the LTC at a subsequent LTC meeting.

Submitted By:	Jaime Dubyna Planner 2	March 11, 2021
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Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 15, 2021
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ATTACHMENTS

1. Site Context
2. OCP Policies
3. Plans, Maps

LOCATION

Legal Description	LOT A, SECTION 13, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 38493
PID	001-034-367
Civic Address	2105 Shingle Spit Rd.
Lot Size	1.97 ha (4.86 acres)

LAND USE

Current Land Use	Visitor accommodation (campground), residential
Surrounding Land Use	Residential, agricultural, marine (aquaculture)

HISTORICAL ACTIVITY

File No.	Purpose
HO-CL-2019.3	Referral for commercial water license.
HO-SUP-1993.6	Workshop.
HO-SUP-1997.21	Dwelling, campground, retaining wall (not issued).
HO-SUP-2003.1	Accessory building (photography studio).
HO-SUP-2016.3	Accessory building (dance studio).
HO-SUP-2018.1	Accessory building (dance studio).
UN-BOV-1990.26	
UN-RZ-1986.17	
UN-SUP-1991.23	
UN-SUP-1992.56	Shed.

POLICY/REGULATORY

Official Community Plan (OCP) Designations	Land Use Designation: VA – Visitor Accommodation See Attachment 2 for relevant OCP policies. Development Permit Area: Commercial Development Permit Area The Commercial DPA is established for the purpose of guiding the form and character of commercial development. In accordance with the guidelines found in Section 9.1 of the Land Use Bylaw, prior to undertaking any development, subdivision or land alteration, related to commercial use in the Commercial DPA, a Development Permit is required.
Land Use Bylaw	R2 – Rural Residential – Change Required
Other Regulations	Under the <i>Water Sustainability Act</i>, a water license is required for non-domestic (commercial) use. Water License 501598 was issued October 30, 2019. There is an active Aquaculture/Shell Fish Lease in the adjacent marine area.

Covenants	Right of Way B69450 (BC Hydro)
Bylaw Enforcement	HO-BE-2019.6 (open) – Land use, siting. The campground on the lot was deemed to be legal non-conforming at the time of adoption of the Hornby Island Zoning Bylaw No. 9, 1983. Reference is made in the Hornby Island Official Community Plan (OCP) Bylaw No. 149, in the “Background” of Section 6.5.2 Visitor Accommodations and Tourism: <i>“One existing property, Lot A Plan 38493 Section 13, known as “Bradsdadslands”, is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.”</i> Under Section 530 of the <i>Local Government Act</i>, a legal non-conforming use is not permitted to expand beyond the scale or extent it operated at the time of adoption of the bylaw: 530 <i>In relation to land, section 528 [non-conforming uses] does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.</i>

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) –owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM/LOW on the subject property. The Hornby Island Local Trust Area has been identified as being a LOW priority for conservation based on the need for sensitive, eelgrass and forested ecosystem protection, level of existing protection by area and disturbance threat.
Species at Risk	None mapped.
Sensitive Ecosystems	Islands Trust mapping does not indicate the presence of sensitive ecosystems on the subject property. Schedule D2 of the Hornby Island OCP identifies the subject property within an aquifer classified as IIA – Moderately developed, high vulnerability.
Hazard Areas	Schedule F of the Hornby Island OCP identifies the shoreline boundary of the subject property as a hazardous area (slope that is more than 30%). OCP Policy 4.2.1 provides, “Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the <i>Private Managed Forest Land Act</i>) should be strongly discouraged and regulated by the appropriate authority.”

Archaeological Sites	Staff have provided the applicant with a Local Government Notification Letter regarding archaeological sites and chance find procedures for cultural heritage on the subject property.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust mapping indicates the presence of forage fish within 100 m of the lot in the adjacent marine area. Forage fish, such as Pacific sand lance and surf smelt, are considered to be the “cornerstone of marine food webs”, as they provide important forage for larger fish and marine mammals. Islands Trust mapping indicates the presence of eelgrass within approx. 200 m of the lot in the adjacent marine area. Eelgrass plants provide important shelter for juvenile Pacific salmon and herring; and contribute to shoreline stabilization to prevent beach erosion.
Aquifer Vulnerability	Moderately high/high.

HORNBY ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 149, 2014

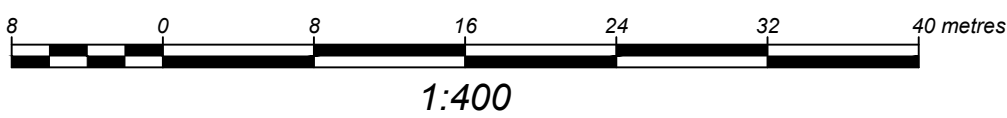
OCP Objective/Policy	Complies	Planner Comments
4.2.1 Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the <i>Private Managed Forest Land Act</i>) should be strongly discouraged and regulated by the appropriate authority.	TBD	Shoreline boundary of the lot is identified on Schedule F as Hazard Areas (slope of >30%). There is currently no corresponding regulation in the Land Use Bylaw that prohibits or discourages logging in identified hazardous areas. However, Section 3.3(5) of the Land Use Bylaw requires a setback of 15 m from a “cliff” (defined) for buildings and structures; or, a setback of 10 m when certified by a professional engineer with experience in geotechnical engineering. No policies are provided in Section 3.8 Hazard Areas of the OCP. As part of the rezoning process, the LTC may require registration of a s. 219 covenant on title identifying the hazardous areas and include restrictions regarding tree and vegetation removal. The LTC may consider establishing a Development Permit Area for the protection of development from hazardous conditions, pursuant to Section 488(1)(b) of the <i>Local Government Act</i>. Rather than establishing a Development Permit Area on one property, staff would recommend this option be considered for the whole of Hornby Island as part of a LTC project.
6.1.10 All development of property should include provision for appropriate off-road parking as specified in regulation.	TBD	Draft bylaw language may include provisions for off-road parking.
6.1.12 In order to protect the natural environment and maintain neighbourhood views, screening and natural landscaping should be maintained on all parcels and along all lot lines in accordance with land use bylaw regulation.	TBD	Draft bylaw language may include requirements for screening from neighbouring properties.

6.1.15 The protection of the Island from fire hazard should be considered when developing land use regulations.	TBD	Draft bylaw language may include requirements, if appropriate. Staff to review further.
6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.	TBD	No definition of “environmentally sensitive”, “small-scale” and “low density” exists in the OCP. Given its ambiguity, staff refer to the second sentence of this policy for clarity, and deduce that the existing campground is not equivalent to a convention centre nor multi-room hotel. However, when determining the appropriate scale and the number of camping spaces, staff are guided by the existing zoning regulations in the Land Use Bylaw for “campground” use, including the permitted maximum number of camping spaces.
6.5.2.2 “Destination resort” type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.	Yes	No definition of “destination resort” exists in the OCP. Staff note there is ambiguity around what the threshold is for a “destination resort” and drawing “large numbers of tourists at one time”. The OCP does contemplate Hornby’s increasing popularity as a summer destination, and prohibits “destination gaming facilities” such as a casino or commercial bingo hall. While the existing campground may draw tourists, staff conclude that it is likely not equivalent to a “destination resort”.
6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in 7.3.1(f)*, to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource. *Note: Incorrect citation. Policy should refer to 7.3.1(d).	TBD	The applicant has provided a copy of the provincial water license for the campground operation. The LTC may request a copy of an Island Health filing for the onsite wastewater treatment system, or a copy of a report by a qualified professional engineer with expertise in wastewater treatment for non-domestic services. The campground map identifies several outhouse locations on the subject property. According to the campground map, onsite recycling and garbage disposal is provided. Parking is provided at each campsite. Draft bylaw language may include provisions for off-road parking.

6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.	TBD	Application is for rezoning the lot to permit a campground. The existing campground includes several individual sites with power access. While the policy considers campgrounds without individual hook-up of power (and water) appropriate, the policy does not prohibit it.
6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan: a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.	Yes	Lot is not within the ALR.

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT A,
SECTION 13, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 38493.

Parcel Identifier: 001-034-367



LEGEND

- standard iron post found

1
PLAN 32678

PLAN VIP64674

1
PLAN 32425

REM. PT. NW 1/4
SEC. 13

2
PLAN 32425

LAMBERT CHANNEL

PLAN 38493

SHINGLE SPIT ROAD

ROAD

Date of Survey: February 2, 2021

Civic Address
2105 Shingle Spit Road
Hornby Island, BC

Offset dimensions are to the exterior of the
siding wall and are perpendicular to the
property lines.

This document shows the registered dimensions of
the above described property and the relative location
of the surveyed structures and features with respect
to the property boundaries. This document shall not
be used to define property lines or property corners.

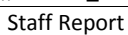
Digitally signed by
Donald Grant 364AG6
Date: 2021.02.23
10:16:30 -08'00'

BCLS

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Islands Trust	Staff Report
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3.3 CAMPGROUND MAP



File No.: 6500-20 LTC Work Program
2021 MALA

DATE OF MEETING: March 26, 2021
TO: Hornby Island Local Trust Committee
FROM: Teresa Mahikwa, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Minimum Average Lot Area - Amendments to the OCP and LUB

RECOMMENDATION

1. That the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021” is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020” be read a first time.
3. That the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021” is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021” be read a first time.
5. That the Hornby Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021” as the Bylaw is consistent with the Hornby Island Official Community Plan No. 149, 2014, and request staff to proceed with public notification as per Section 467 of the *Local Government Act*.
6. That Proposed Bylaws No. 166 and 167 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

Cowichan Tribes, Halalt First Nation, Homalco (Xwemalhkwa) First Nation, K’ómoks First Nation, Lake Cowichan First Nation, Lyackson First Nation, Nanwakolas Council, Penelakut Tribe, Qualicum First Nation, Stz’uminus First Nation, Tla’amin Nation, We Wai Kai Nation, and Wei Wai Kum Nation.
 - b. Local Governments and Agencies:

Comox Valley Regional District, Denman Island Local Trust Committee, Island Health, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, and School District 71.

REPORT SUMMARY

The purpose of this report is to introduce to the Hornby Island Local Trust Committee (LTC), draft bylaw amendments to the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) with respect to the LTC's Top Priority Project for Minimum Average Lot Area (MALA) provisions, and to discuss options and next steps for the project.

BACKGROUND

Giving consideration to draft bylaw amendments to Hornby's OCP and LUB regarding MALA provisions is one of the current Top Priority projects of the LTC. With regards to this project, during the regular LTC business meeting on January 29, 2021, the LTC requested an amendment be made to the draft Project Charter v1.0 in order to recognize and reflect the fact that any draft OCP and LUB amendments are to be considered separately and through independent processes. The LTC then passed resolution HO-2021-014 in order to endorse the Project Charter v1.0 given that amendment. Staff have made the requested LTC amendment and have attached the amended Project Charter v.1.1 as Attachment 1.

The LTC also passed the following resolutions at the January 29, 2021 regular business meeting:

HO-2021-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Official Community Plan that will eliminate references to measurements for minimum lot size and Minimum Average Lot Area in land use designations.

HO-2021-016

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Land Use Bylaw that will:

- a. Make references to Minimum Average Lot Area internally consistent within the provisions of Residential 2 - large lot (R2) zoning;
- b. Require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 - Large Lot (R2) zoning; and
- c. Allow for lots that are less than one hectare in size in Residential 2 - Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with Policy 6.3.3.1 of the Hornby Island Official Community Plan.

Given resolutions HO-2021-015 and HO-2021-016, staff have prepared such draft bylaw amendments to both the Hornby Island OCP (Bylaw No. 166 - Attachment 2) and LUB (Bylaw No. 167 - Attachment 3), for LTC discussion and

consideration to giving first reading. Note that staff did not draft an amendment for resolution HO-2021-016 c. above, the rationale for this is provided in the analysis section “Lot sizes smaller than 1 hectare in the R2 zone” below.

ANALYSIS

As mentioned in the preliminary staff report for this project (Staff Report dated January 29, 2021), the current zoning of land as reflected in Schedule B (the zoning map) of the LUB often correlates with the long-term intended land use designations as reflected by Schedule B (the land use designation map) of the OCP; however, they do not always overlap in the short-term. This does not indicate an inconsistency between the two documents – but it does explain why there is a need to keep *specific measurements* in the LUB (i.e. the regulatory bylaw) instead of the OCP (the policy bylaw), because as future regulatory amendments are required, only the LUB will need to go through the amendment process to make the change.

Policy/Regulatory

Islands Trust Policy Statement (ITPS):

The applicable ITPS statements are referenced in Attachment 4, along with Planner comments. Both of the draft (Attachment 5).

amendment bylaws (No. 166 and 167) have been made with consideration to consistency with the ITPS, and further reference is included in the ITPS directives only checklist Hornby Island Official Community Plan (2014):

As noted in the scope and purpose of this project, specific regulations are meant to be in the LUB, as the purpose of an OCP is to set out objectives and policies that guide the creation of the LUB which contains the enforceable regulations. Staff reviewed the OCP for terms such as “parcel size”, “lot size”, and density in relation to number of dwelling units. The OCP policies that are relevant to this project that are to be considered for amendments, along with Planner comments, are outlined in Attachment 4.

Land Use Bylaw:

Similarly, the LUB regulations that are relevant to this project that are to be considered for amendments, along with Planner comments, are also outlined in Attachment 4. However, staff have also conducted further analysis on the specific topics below.

Lot sizes smaller than 1 hectare in the R2 zone:

In the staff report dated January 29, 2021, staff noted that there has been interest from a potential developer on Hornby who has inquired whether OCP Policy 6.3.3.1 could be used to consider whether an R2-zoned lot could be subdivided into 4 proposed residential lots – 2 of which would each be proposed to be less than 1 ha in size, the rationale being that trail dedication would be part of the subdivision.

6.3.3.1 ...A lot size less than 1 ha may be considered if the subdivision is **for the purpose** of creating park, ecological reserve, community land trust or other community service use.

In consideration of the above, it is the position of staff, that the intent of OCP Policy 6.3.3.1 seems to allow for consideration to be given for a proposed lot size less than 1 ha *if the purpose of the subdivision* is to create a new parcel that is a park/eco reserve/land trust/other community service. That is, that the reason for subdividing is to create a small lot which is of community benefit.

Upon further analysis and consideration, this interpretation of the intent of OCP Policy 6.3.3.1 seems to be consistent with the wording used in current LUB regulation 6.2(1)(b), the intent of which is to implement OCP Policy 6.3.3.1:

LUB Subdivision Regulation 6.2 – **Exemptions from Average and Minimum Lot Area Requirements**

(1) “The minimum and average lot sizes areas specified in this bylaw do not apply”...

(b) “where the lot being created is to be used **solely** for park use or natural open space or conservation purposes provided that a **covenant is granted** that restricts the use of the lot to that purpose”

In consideration of both the OCP policy and LUB regulation above, in order for a proposed subdivision to be exempt from a zone’s minimum lot size (i.e. 1 ha in the R2 zone), any proposed lot(s) that are less than 1 ha in size must be used *solely* as mentioned in the regulation: not for residential use but for community benefit, and a covenant must also be granted to ensure such use. The intent is to allow for smaller-than-required lots if they are for ecological preservation, protection, and the creation of community amenities in perpetuity for Hornby residents rather than in the best interest of a developer being able to sell a small lot(s). This clarity is provided in the OCP background for section 6.3.1:

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

For example, perhaps a developer in the R2 zone owns 3.5 ha of land. They would not be permitted to subdivide under the regulations because they would not meet the MALA of 2 ha (i.e. they would need at least 4 ha of land to subdivide). However, if they were to propose a subdivision that would dedicate 0.5 ha of covenanted parkland or conservation area and allow them to continue to use the 3 ha remaining as residential use, regulation 6.2.(1)(b) would allow for this consideration.

Further, as can be seen in the map in Figure 1 below, there may be a few existing “small lots” (under 1 ha in size) in the R2 zone; however, also as noted in the background for section 6.3.1 of the OCP, these small lots,

“were created prior to the Islands Trust assuming planning authority for the Island and all potential areas for subdivision into that lot size are already subdivided” and “...the subdivision of additional small lots is not endorsed in the Plan.”

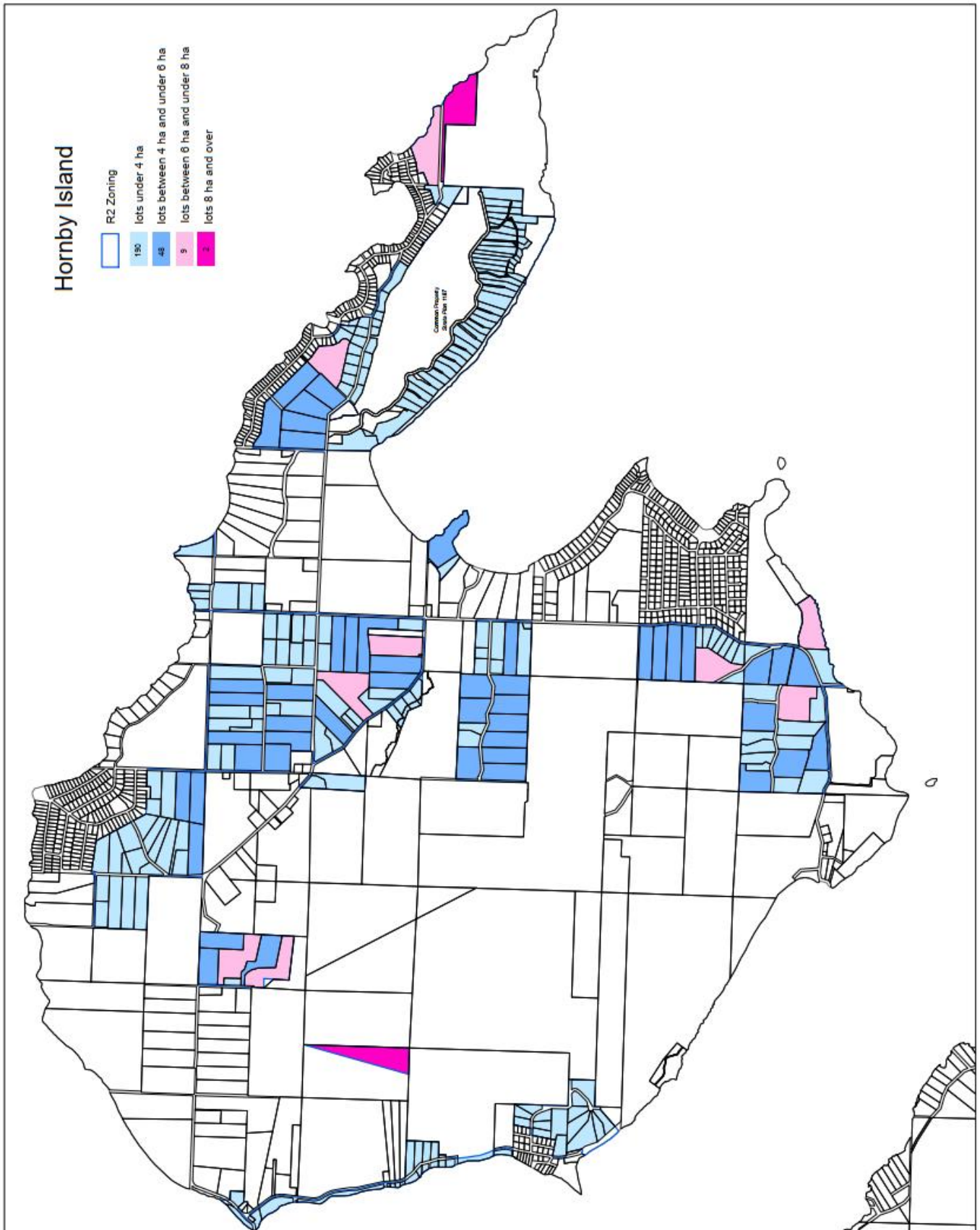
The exception, of course, as noted above, is to consider subdivision into a smaller lot size less than 1 ha for the sole purpose of providing a lot for ecological/community benefit.

Subdivision potential in the R2 zone:

Further to the staff report dated January 29, 2021, as the LUB regulations for the R2 zone currently exist, a lot must be 8 ha or more to subdivide, and staff believe that this was not the intent of the R2 zone when it was originally drafted. Staff are recommending that a lot must be at least 4 ha in size in order to subdivide in the R2 zone, so it must meet a minimum average lot area of 2 ha (see Attachment 3 for the draft bylaw, and Attachment 4 for further discussion).

In consideration of this draft amendment and what it may mean for potential subdivision, staff thought it would be helpful to have a map of currently-zoned R2 lots, broken down by size:

Figure 1: Map of R2-zoned lots by lot size



The above map shows lots with the R2 zoning on Hornby Island to further the conversation regarding potential for future subdivision in that zone. The map does not include common property, rights-of-way or other similar pieces of land without a PID). Although the “common property” shown in the High Salal area is zoned R2 and is greater than 8 hectares, it is staff’s understanding that it does not have subdivision potential because it was part of the density averaging required to achieve the many waterfront lots in that subdivision and was therefore dedicated as common property at time of subdivision.

The four colours on the map include:

- Light blue (R2 lots under 4 ha) – 190 lots are too small to meet the 2 ha MALA requirement of the R2 zone.
- Dark blue (R2 lots at least 4 ha, but less than 6 ha) – 48 lots are large enough to meet the 2 ha MALA in order to subdivide one lot into a maximum of two (i.e. 48 potential new lots);
- Light pink (R2 lots at least 6 ha, but less than 8 ha) – 9 lots are large enough to meet the 2 ha MALA in order to subdivide one lot into a maximum of three (i.e. 18 potential new lots); and
- Dark pink (R2 lots 8 ha and larger) – 2 lots are larger than 8 ha. Subdivision potential of these two lots would need to be further considered and assessed.

Thus, this is why it is staff’s belief that the intent of the OCP policies and LUB regulations was to limit subdivision to lots greater than 4.0 hectares and not only for lots greater than 8.0 hectares as is currently permitted given LUB regulation 8.2(9).

Issues and Opportunities

Given that the proposed LUB amendment in draft Bylaw No. 167 is consistent with the OCP, staff is recommending that the requirement for public hearing be waived for draft Bylaw No. 167. But, Regardless of whether or not the public hearing is waived for draft Bylaw No. 167, the requirement to have a public hearing for draft Bylaw No. 166 cannot be waived as it is an amendment to an OCP. As noted in the Project Charter (Attachment 1), a CIM/Public Hearing is included in the budget and could be held on the same day as the July LTC meeting.

Consultation

As the scope of this project includes an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations, governments, and other authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than as identified below, and direct staff accordingly.

Timeline

As outlined in the Project Charter workplan overview (Attachment 1), following the March LTC meeting, the period for referral comments from First Nations, governments, and agencies would run until early May.

May LTC meeting:

- Any referral responses received would be included in the staff report and presented for consideration by the LTC during the regular business meeting scheduled for Friday, May 21, 2021.
- 2nd reading of each of the bylaws could also be considered by the LTC at the May meeting, and

- Potentially 3rd reading and referral to the Executive Committee for approval for Bylaw No. 167 (LUB amendments) alone, assuming the public hearing has been waived.

July LTC meeting: July 16 could also be the date of the CIM / Public Hearing for Bylaw No. 166 (the OCP amendments). The LTC may also consider adoption of Bylaw No. 167 (LUB amendments) during the LTC meeting.

October LTC meeting: To consider 3rd reading and referral to the Executive Committee and Ministry of Municipal Affairs and Housing for Bylaw No. 166. The LTC could then consider adoption of Bylaw No. 166 at the Jan 2022 meeting.

Agencies

Staff are recommending that draft Bylaws No. 166 and 167 are referred to Comox Valley Regional District, Denman Island Local Trust Committee, Island Health, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, and School District 71 for review and response.

First Nations

Staff are recommending that draft Bylaws No. 166 and 167 are referred to Cowichan Tribes, Halalt First Nation, Homalco (Xwemalhkwu) First Nation, K'ómoks First Nation, Lake Cowichan First Nation, Lyackson First Nation, Nanwakolas Council, Penelakut Tribe, Qualicum First Nation, Stz'uminus First Nation, Tla'amin Nation, We Wai Kai Nation, and Wei Wai Kum Nation for review and response.

Rationale for Recommendation

Given staff's analysis of the relevant OCP Policies, LUB regulations, and compliance and consistency with the ITPS, staff are recommending that draft Bylaws No. 166 and 167 be given first reading, be forwarded for referral comments, and that the public hearing be waived for draft Bylaw No. 167 (LUB amendments) as it is consistent with the OCP.

Alternatives

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

1. Amend the draft bylaw(s)

The LTC may wish to amend the draft bylaw prior to giving it first reading. If this alternative is selected, the LTC should note the desired amendment(s) and direct staff to amend the draft bylaw(s) accordingly.

Recommended wording for the resolutions are as follows:

That the Hornby Island Local Trust Committee request staff to make the following amendment(s) to draft Bylaw No. 166/167 (list specific amendments); and

That the Hornby Island Local Trust Committee Bylaw No. 166/167 cited as "Hornby Island Official Community Plan/Land Use Bylaw, 2014, Amendment No. 1, 2021" be read a first time.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC's work plan timeline in the Project Charter. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendations, staff would refer the bylaws out for comment and circulate a public notice regarding waiving the public hearing for draft Bylaw No. 167.

Prepared and Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	March 15, 2021
Concurred in By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 16, 2021

ATTACHMENTS

1. Project Charter v. 1.1
2. Draft OCP Amendment Bylaw
3. Draft LUB Amendment Bylaw
4. Policies & Regulations (ITPS/OCP Policies and LUB Regulations)
5. Islands Trust Policy Statement Directives Only Checklist

Minimum Average Lot Area Project - Charter v 1.1

Hornby Island Local Trust Committee

Date: March 26, 2021

Purpose: To correct inconsistencies regarding density and minimum average lot area regulations within the Hornby Island Official Community Plan and Land Use Bylaw and allow for lots smaller than 1 hectare in size where certain circumstances apply.

Background: Minimum average lot area requirements in the Hornby Island Land Use Bylaw are not currently consistent with those anticipated by the OCP. The language in R2 zoning is also confusing, make it unclear how much land a property owner must have in order to subdivide in this zone. This project aims to make the OCP and LUB consistent with regard to minimum average lot area required for subdividing.

Objectives

- Make the OCP and LUB consistent with regards to density and Minimum Average Lot Area
- Consider appropriate minimum lot sizes

In Scope

- Consider amendments to the Hornby Island Official Community Plan that will eliminate references to measurements for minimum lot size and minimum average lot area in land use designations;
- Consider amendments to the Hornby Island Land Use Bylaw that will:
 - a. make references to minimum average lot area internally consistent within the provisions of Residential 2 – Large Lot (R2) zoning;
 - b. require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 – Large Lot (R2) zoning; and
 - c. allow for lots that are less than 1 hectare in size in Residential 2 – Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with policy 6.3.3.1 of the Hornby Island Official Community Plan.

Out of Scope

- Reconsidering density requirements based on factors other than minimum lot size and minimum average lot size

Workplan Overview

Deliverable/Milestone	Date
Project Charter & Introduction Staff Report / LTC endorsement of Project Charter and consideration of bylaw elements	January, 2021
Legislative process for proposed bylaw(s); adoption.	2021-2022

Project Team

Regional Planning Manager	Project Sponsor
Island Planner	Project Manager
Legislative Clerk	Legislative Process/ Bylaw Review
RPM Approval Date: 13 Nov/20;	LTC Endorsement: HO-2021-014 (Resolution from Jan 29, 2021 LTC meeting)

Budget:

Hornby MALA Project		
Budget Sources:		
Fiscal	Item	Cost
2021-2022	CIM / Public Hearing	\$1,600
	Total	\$1,600

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
January, 2021	Introduction Report / Draft Project Charter		
March, 2021	Draft Bylaws (OCP and LUB draft Bylaws to be considered separately) for consideration of 1 st Reading and Referral / Staff Report		
	Referral Period	Mar. – May, 2021	
May, 2021	Report of Referral Responses / Consideration of 2 nd Reading		
July, 2021	CIM / Public Hearing		\$1,600
October, 2021	Consideration of 3 rd Reading and Referral to EC and Ministry		
	EC and Ministry Consideration	Oct. – Dec. 2021	
January, 2022	Consideration of Approval of bylaws		
TOTAL			\$1,600

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 166

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. Citation

This bylaw may be cited for all purposes as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”.

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as “Hornby Island Official Community Plan, 2014,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202x

READ A SECOND TIME THIS _____ DAY OF _____, 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202x

READ A THIRD TIME THIS _____ DAY OF _____, 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____, 202x

ADOPTED THIS

_____ DAY OF _____, 202x

Chair

Secretary

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 166
Schedule “1”

1. **Schedule “A”** of Hornby Island Official Community Plan, 2014 is amended as follows:

- 1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Section **6.1 Objectives and Policies for Development**, Subsection **6.1.2** text is deleted in its entirety and replaced with:

“A minimum lot size should be established within the Land Use Bylaw regulations for a lot that may be subdivided pursuant to section 946 of the *Local Government Act* (subdivision for a relative) so as to uphold the objectives of the applicable designation in this Plan.”

- 1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Section **6.3 Residential**, Subsection **6.3.2 Small Lot Residential**, Article **6.3.2.2** text is deleted in its entirety and replaced with:

“For subdivision of properties in the Small Lot Residential (SR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character.”

- 1.3 **Section VI - Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Section **6.3 Residential**, Subsection **6.3.3 Rural Residential**, is amended by making changes to the following articles:

- 1.3.1 Article **6.3.3.1** text is deleted in its entirety and replaced with:

“For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.”

- 1.3.2 Article **6.3.3.4** text is deleted in its entirety and replaced with:

“Only one dwelling unit should be permitted on lots smaller than 4.0 hectares, and a maximum of two dwelling units should be permitted on lots 4.0 hectares or greater.”

- 1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Section **6.3 Residential**, Subsection **6.3.4 Forest**, Article **6.3.4.1** text is deleted in its entirety and replaced with:

“For subdivision of properties in the Forest (F) designation, a minimum lot size and minimum average lot size should be established within the Land Use Bylaw

regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size and minimum average lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.”

1.5 Section VI - Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Section 6.4 Agriculture, Subsection 6.4.1 Agriculture, is amended by making changes to the following Articles:

1.5.1 Article 6.4.1.1 text is deleted in its entirety and replaced with:

“For subdivision of properties in the Agriculture (AG) designation, a minimum lot size should be established within the Land Use Bylaw regulations.”

1.5.2 Article 6.4.1.3 text is deleted in its entirety and replaced with:

“Only one dwelling (which may contain a secondary suite) may be permitted on lots smaller than 4.0 hectares.”

1.5.3 Article 6.4.1.4 text is deleted in its entirety and replaced with:

“On lots 4.0 hectares or greater, the following should be permitted:
a) one dwelling with a secondary suite within the dwelling; or
b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.”

1.6 Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Section 6.4 Agriculture, Subsection 6.4.2 Additional Policies for Land in the Agricultural Land Reserve, Article 6.4.2.3 text is deleted in its entirety and replaced with:

“For subdivision of properties within the Agricultural Land Reserve, a minimum lot size should be established within the Land Use Bylaw regulations. A smaller minimum lot size than is established within the Land Use Bylaw may be considered for subdivision where a portion of a lot has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.”

1.7 Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Section 6.5 Commercial and Home Occupations, Subsection 6.5.1 Retail and Personal Service, Article 6.5.1.5 text is deleted in its entirety and replaced with:

“For subdivision of properties in the Retail and Personal Service (CS) designation, a minimum lot size should be established within the Land Use Bylaw regulations.”

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 167

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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

1. Citation

This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”.

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 167**

Schedule “1”

1. **Schedule “A”** of Hornby Island Land Use Bylaw, 2014 is amended as follows:
 - 1.1 **Part 8 – ZONE REGULATIONS**, Section **8.2 Residential 2 – Large Lot (R2) Zone**, is amended by deleting **Subsection 8.2(9) – Other Regulations** “Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares” in its entirety.

ATTACHMENT 4 – POLICIES & REGULATIONS

ISLANDS TRUST POLICY STATEMENT (ITPS)

	ITPS - Directive Policy	Planner Comments
ITPS POLICIES FOR SUSTAINABLE COMMUNITIES 5.2 Growth and Development	5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Limiting both subdivision and density are two key tools or strategies which limit growth and development on the islands. The OCP should address the policies impacting development.
	5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	The OCP should include the policies around growth management – with consideration to preservation and protection as noted in ITPS Policy 5.2.4. The LUB is the regulatory bylaw which should include the specifics of how the OCP policies will be achieved/regulated (e.g. maximum lot size, minimum average lot area etc.)
	5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	As noted in ITPS Policy 5.2.5, it is OK/expected that the OCP should establish policy for setting density limits (see further analysis of OCP Policy 6.3.3.4 in the table below). It is within the LUB, then, where the density limits are enforced through regulation.

HORNBY ISLAND OFFICIAL COMMUNITY PLAN No. 149, 2014

OCP Policy – Current Wording	OCP Policy - Suggested Amendment	Planner Comments
<i>This Policy applies to all sections of the OCP:</i> 6.1.2 A minimum parcel size should be established for a parcel that may be subdivided pursuant to section 946 of the <i>Local Government Act</i> (subdivision for a relative) so as to uphold the objectives of the applicable designation in this Plan.	6.1.2 A minimum lot size should be established within the Land Use Bylaw regulations for a lot that may be subdivided pursuant to section 946 of the <i>Local Government Act</i> (subdivision for a relative) so as to uphold the objectives of the applicable designation in this Plan.	The current wording is not specific or regulatory – it is just meant to note that there should be a minimum lot size established elsewhere (i.e. regulated in the LUB). Notably, the LUB also has a definition for “lot” but not “parcel”, so staff would recommend this be addressed for clarity and consistency.

<i>This Policy applies to designation Small Lot Residential (SR):</i> 6.3.2.2 The minimum parcel size should be one hectare (2.5 acres).	6.3.2.2 For subdivision of properties in the Small Lot Residential (SR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character.	As per LTC direction, eliminate OCP references to measurements for minimum lot size and Minimum Average Lot Area in land use designations. This wording is also consistent with ITPS Directive Policy 5.2.4. Also add the <i>name of the land use designation</i> as the other designation policies do.
<i>This Policy applies to designation Rural Residential (RR):</i> 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.	6.3.3.1 For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.	As per LTC direction, eliminate OCP references to measurements for minimum lot size and Minimum Average Lot Area in land use designations. The density directive is addressed in 6.3.3.4 below. This wording is also consistent with ITPS Directive Policy 5.2.4. The LUB already establishes a minimum lot size in the R2 zone: 1 ha (regulation 8.2(7)), and only permits a second dwelling unit if a lot has more than 4 ha (regulation 8.2(2)(b)) The smaller minimum lot size for the purpose of creating a park, ecological reserve, community land trust, or other community service use – is also already addressed in regulation 6.2(1)(b)
<i>This Policy applies to designation Rural Residential (RR):</i> 6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot	n/a	Although this OCP policy does mention a specific minimum lot size, it is only relevant to the one lot as noted, and therefore staff does not recommend amending this OCP policy at this time.

size of one hectare (2.47 acres) may be considered for subdivision.		
<i>This Policy applies to designation Rural Residential (RR):</i> 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.	Only one dwelling unit should be permitted on parcels smaller than 4.0 hectares and a maximum of two dwellings should be permitted on lots 4.0 hectares or greater.	With respect to density (number of dwelling units per lot) it is helpful if the OCP <i>does</i> define a density limit (in this case 4 ha as noted in the LUB regulations 8.2(1)(a) and (b)) so that changes to the LUB stay consistent with the density limitation defined in the OCP. Also consistent with ITPS Directive Policy 5.2.5 above (defining a density limit in the OCP)
<i>This Policy applies to designation Forest (F):</i> 6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares (40 acres) should be maintained, with a minimum lot size of four hectares (10 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.	6.3.4.1 For subdivision of properties in the Forest (F) designation, a minimum lot size and minimum average lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size and minimum average lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.	Project Charter specifically mentions R2 zone, but staff is recommending that measurements for the Forest land use designation are also eliminated from the OCP. Similar wording to the Rural Residential designation above and is also consistent with ITPS Directive Policy 5.2.4.
<i>This Policy applies to designation Agriculture (AG):</i> 6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 16 hectares (39.5 acres) should be.	6.4.1.1 For subdivision of properties in the Agriculture (AG) designation, a minimum lot size should be established within the Land Use Bylaw regulations.	Project Charter specifically mentions R2 zone, but staff is recommending that measurements for the Agriculture land use designation are also eliminated from the OCP for consistency.

<i>This Policy applies to designation Agriculture (AG):</i> 6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares (8.6 acres).	6.4.1.3 Only one dwelling (which may contain a secondary suite) may be permitted on lots smaller than 4.0 hectares.	With respect to density (number of dwelling units per lot) it is helpful if the OCP does define a density limit so that the LUB stays consistent with what the OCP intends. Also consistent with ITPS Directive Policy 5.2.5 above (define a density limit in the OCP)
<i>This Policy applies to designation Agriculture (AG):</i> 6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted: a) one dwelling with a secondary suite within the dwelling; or b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.	6.4.1.4 On lots 4.0 hectares or greater, the following should be permitted: a) one dwelling with a secondary suite within the dwelling; or b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.	Similar to 6.3.3.4 above, the LUB regulation is a 4.0 hectare limitation, not 3.5 hectares.
<i>This Policy applies to designation Agriculture (AG) and lands with in the ALR:</i> 6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares (39.5 acres) but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.	6.4.2.3 For subdivision of properties within the Agricultural Land Reserve, a minimum lot size should be established within the Land Use Bylaw regulations. A smaller minimum lot size than is established within the Land Use Bylaw may be considered for subdivision where a portion of a lot has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.	Project Charter specifically mentions R2 zone, but staff is recommending that measurements for the Agriculture land use designation are also eliminated from the OCP. Similar wording to the SR, RR, and F designations above.

<i>This Policy applies to designation Retail and Personal Service (CS):</i> 6.5.1.5 The minimum parcel size should be one hectare (2.5 acres) for any subdivision of property designated for commercial use.	6.5.1.5 For subdivision of properties in the Retail and Personal Service (CS) designation, a minimum lot size should be established within the Land Use Bylaw regulations.	Similar wording to the SR, RR, F, and AG designations above.
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HORNBY ISLAND LAND USE BYLAW No. 150, 2014

LUB Regulation – Current Wording	LUB Regulation - Suggested Amendment	Planner Comments
8.2 Residential 2 – Large Lot (R2) Zone. Other Regulations: (9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares	To delete regulation 8.2(9) in its entirety.	This will remove inconsistencies and provide clarity that the intent is that R2 lots must have at least a minimum of 4 ha in order to subdivide and meet the 2 ha MALA

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 LTC Work Program 2021 MALA

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.

n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
n/a	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

From: Bill Engleson [<mailto:bengleson@telus.net>]

Sent: Thursday, January 21, 2021 4:09 PM

To: Grant Scott; Alex Allen; Sue Ellen Fast; Laura Busheikin; David Critchley; josie osborne; Lori Nawrot
HDCHCS

Subject: re: SILO thinking regarding transportation matters pertaining to Denman and Hornby Islands

Dear Elected Officials,

Please find attached a letter from the HDCHCS that attempts to draw to your attention a somewhat disconcerting gap in planning service. I trust the letter is self-explanatory.

Regards,

Bill Engleson RSW (Retired and Non-Practicing)

Chair,

HDCHCS

Hm: 250-335-0897



January 21, 2021

Dear elected officials who serve Denman and Hornby Islands

Re: Transportation Issues/Planning Vacuums on Hornby and Denman Island

The HDCHCS recently received communication from a community partner enquiring whether we would be part of the Comox Valley Regional District involvement in the provincially funded Active Transportation Network Planning. Here is the link to explain its mandate.

<https://www.comoxvalleyrd.ca/projects-initiatives/past-current-projects/active-transportation-network-plan>

Our executive director asked CVRD planning manager Alana Mullaly as well as Beth Hurford Community Transportation Consultant with Urban Systems if our two islands would be part of the project. Ms Mullaly responded thusly:

"Denman and Hornby Islands are not included in the project area. Project area is limited to the planning jurisdiction of the CVRD. Thanks for reaching out."

Alana Mullaly, MCIP RPP

Senior Manager of Sustainability and RGS Planning

Planning and Development Services Branch

Historically, Denman Island and Hornby island *have* had some transportation interface with the CVRD. Certainly, Denman Island has even appeared in planning documents. For instance, this 2014 document on future planning...

[file:///C:/Users/Bill/Downloads/4501_COM_TF_Report_web\(1\).pdf](file:///C:/Users/Bill/Downloads/4501_COM_TF_Report_web(1).pdf)

I would refer you to pg. 99 which says...*Commence Community Transit Service Discussion Document for Denman and Hornby Islands* and on pg. 101 *If supported by the feasibility study, explore the implementation of a community bus service on Denman Island connecting Hornby and Denman residents to the Ferry enabling transfers to the transit service at Buckley Bay.*

These points are also nicely summarized on pg's 5 and 6 in the Executive Summary.

Admittedly these idealized thoughts are extracted from mid term 6-10 years planning and 10-25 year planning respectively. However, evidently Ms. Mullaly is somewhat incorrect about the CVRD's "planning jurisdiction."

From our reading at any rate, transportation planning for the two Islands is not nor should it be excluded from the functions of the CVRD.

With regard to Islands Trust and transportation planning, years ago (somewhat before my time), the Islands Trust Local Trust Committee on Denman did have a transportation advisory committee. What its exact role was is unclear to me. It does still nominally exist in the OCP-Policy 5 pg. 38: *The Local Trust Committee should work with the Transportation Advisory Planning Commission to relay community wishes with regard to roads to the Ministry of Transportation and Infrastructure.*

In a singularly ineffective advocacy policy on pg.41, it says: *BC Transit, British Columbia Ferry Services Inc. and the Comox Valley Regional District are encouraged to provide an integrated public transit link from Courtenay to Buckley Bay, to Denman Island and across Denman Island.*

I am less familiar with discussions historically regarding transportation matters on Hornby Island except to say I recognize that some discussions have occurred regarding Bus Transportation on Hornby. Denman also of late has had some “wrong bus” discussions.

We hope to be forwarding this missive to the MoT and perhaps others. For the time being, we want to express our concern that we strongly believe that this particular issue of transportation planning highlights a gap in how our two communities are served by those charged with working with our communities in some aspects of planning. As a side note, the matter of affordable housing seems to be buried in overlapping and under functioning planning jurisdictions, to borrow from Ms. Mullaly’s reflection.

To summarize, there does seem to be some SILO systems thinking with regard to who if anyone is responsible for transportation matters on the two Island. We would appreciate some clarity.

Regards,

Bill Engleson

Chair, HDCHCS

250-335-0897

To: *Daniel Arbour (CVRD);*

Laura Busheikin; David Critchley; (Denman Island Trustees)

Sue Ellen Fast; Chair of both Hornby and Denman Local Trust Committees;

Alex Allen; Grant Scott; Hornby Island Trustees;

Hon Josie Osborne MLA, Mid Island-Pacific Rim and Minister of Municipal Affairs

Lori Nawrot; ED, HDCHCS



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality January 26, 2021

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board continues to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings are live-streamed and recorded, and the public can participate by connecting to the link or the phone number provided in the meeting notice. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

Staff have posted the ITC Board meeting schedule for 2021 here:

www.islandstrustconservancy.ca/about-us/meetings/.

The ITC Board directed staff to add “Public Comments and Delegations”, a town hall opportunity, to the standing agenda, allocating 15 minutes to this new section.

An election was held for Board Chair and Vice Chair positions as required by the ITC Meeting Bylaw. Trustee Kate-Louise Stamford was elected ITC Board Chair and Trustee Sue-Ellen Fast as Vice Chair. Both positions were election by acclamation.

An update regarding ITC staffing was provided, including notes as follows:

1. ITC Manager – Kate Emmings confirmed as permanent Manager Jan 11
2. Ecosystem Protection Specialist – posted internally, confirmed Kathryn Martell in the role Feb 16
3. Communications and Fundraising Specialist – position temporarily divided into two part-time roles: Communications Specialist (Erin Coulson) and a Fundraising Specialist (Carla Funk)
4. Species at Risk Program Coordinator role (see below) – hiring expected before end of March
5. Summer Co-op Student – Field work technician, job description in development

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of Islands Trust Conservancy (ITC). ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Islands Trust Area. For more information, visit

www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The project charter for the Species at Risk (SAR) program was reviewed and approved as interim, pending a few adjustments as discussed by the Board. The project coordinator who will ultimately complete the planning and oversee the implementation of SAR at a detailed level is still being recruited.

Goal 2 – Strong relationships with First Nations

Staff continue to work to deepen relationships with First Nation communities and governments, notably through upcoming management planning for several nature reserves and participation in the Sidney

Island Ecological Restoration Project. Staff also participated in a January training session regarding residential schools.

Goal 3 – Protection of core conservation areas

Property Management

Currently, four management plans are in development and set to complete before the end of March, including two on Gabriola Island, one on Salt Spring Island, and one on Thetis Island. See reference to open house events below regarding these four for the current year.

Land Acquisition and Covenants

The Sandy Beach Nature Reserve on Lhek'tines/Keats Island became ITC's 30th in 30 years in December 2020 and the ITC Board received a donation of land on North Pender in February 2021 (see below). Management planning will begin in the next fiscal year to create the first management plan for these new nature reserves.

Staff continue negotiations on 144 ha of land: eight covenants (S. Pender, Salt Spring [3], Keats, Bowen, Thetis, and Lasqueti) and two land acquisitions.

Goal 4 – A strong voice for nature conservation

The ITC Fund Development Action Plan was reviewed and approved as drafted, with staff directed to implement the plan.

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

Activities by Local Trust Area/Island Municipality

Bowen – \$5,000 Opportunity Fund Grant paid out to Bowen Island Conservancy.

Gabriola – A management planning open house for the S’ul-hween X’pey/Elder Cedar Nature Reserve and the Coats Millstone Nature Reserve will be held on February 22, 2021. Two public surveys continue to March 15 – one for [Elder Cedar](#) and one for [Coats Millstone](#).

Galiano – ITC Manager Kate Emmings advised the Board of a declared conflict of interest regarding the Crystal Mountain conservation proposal on Galiano, and noted the file will be managed by Trust Area Services Director Clare Frater and Ecosystem Protection Specialist Kathryn Martell.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, was completed on December 18, 2020, and marks the 30th nature reserve in 30 years of Islands Trust Conservancy history. News coverage of [the announcement](#) included local outlets, [Pacific Yachting](#), and the [Toronto Star](#). The ITC received a \$12,000 contribution as part of the land transfer and the ITC Board has allocated \$10,000 to create a property management fund.

Lasqueti – The ITC Board considered a response to the Lasqueti Official Community Plan referral. The Board resolution has been provided to planning staff for consideration by the Lasqueti Island Local Trust Committee.

Funded through grant programs, increased wetlands restoration work is being planned for the Salish View and John Osland nature reserves, in partnership with Lasqueti Island Nature Conservancy.

North Pender/Sidney – Funded through grant programs, restoration work is planned at Dragonfly Pond on Sidney Island. Work will pilot removal techniques for invasive parrot’s feather and American bullfrog.

The ITC received a land donation on North Pender Island in February. A formal announcement for this donation is pending.

Salt Spring – The Board approved both the 2020 update of the Deep Ridge Nature Reserve Management Plan and the Lower Mount Erskine Nature Reserve Management Plan. These will be posted to the ITC website shortly.

A management planning open house was held on February 11, 2021, with regards to the Ruby Alton Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Thetis - A management planning open house was held on February 10, 2021, with regards to the Moore Hill Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2021.1	Stead, Sharon & Richard	28-Jan-2021	PID: 002-755-181 Moving a secondary home onto property for family member. Civic address: 6555 Central Road, Hornby Island, BC.
Planner: Ian Cox			
Planning Status			
<u>Status Date:</u> 12-Mar-2021 On March 26 agenda.			
<u>Status Date:</u> 26-Feb-2021 Target March LTC agenda.			
<u>Status Date:</u> 17-Feb-2021 Etransfer received today. File opening complete.			

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.1	School District No. 71 (Bradley Shuya Architect Inc.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.
Planner: Bronwyn Sawyer			
Planning Status			
<u>Status Date:</u> 28-Oct-2020 Report on November 6, 2020 LTC mtg agenda			
<u>Status Date:</u> 13-Aug-2020 File reassigned			
<u>Status Date:</u> 22-Jun-2020 Waiver to survey requirement requested - on June 26th LTC agenda			



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2021.1	Walmsley, Braea & Eben	28-Jan-2021	PID: 003-812-286 Gravel containment structure within DP area. Civic address: 5185 Central Road, Hornby Island, BC.
Planner: Ian Cox			
Planning Status			
<u>Status Date:</u> 12-Mar-2021 On March 26 agenda.			
<u>Status Date:</u> 26-Feb-2021 Target March LTC agenda.			
<u>Status Date:</u> 12-Feb-2021 Paid.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.2	School District No. 71 (Bradley Shuya Architect Inc.	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.
Planner: Bronwyn Sawyer			
Planning Status			
<u>Status Date:</u> 28-Oct-2020 Report on November 6, 2020 LTC mtg agenda			
<u>Status Date:</u> 13-Aug-2020 File reassigned			
<u>Status Date:</u> 22-Jun-2020 Waiver to survey requirement requested - on June 26th LTC agenda			



Applications

Rezoning

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 11-Sep-2020

Second reading and direction to schedule CIM and Public Hearing

Status Date: 22-Jun-2020

Bylaws drafted on June 26th LTC agenda

Status Date: 01-May-2020

Introductory staff report on May 1st LTC agenda

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2020.1	Dixon Lake Properties Ltd. (Daysgoneby.Org Land Stewards Ltd.)	13-Oct-2020	PID: 001-034-367 Rezoning. Civic address: 2105 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 24-Feb-2021

Copy of BCLS plan received.

Status Date: 07-Dec-2020

Campground site plan and copy of water license received.

Status Date: 24-Nov-2020

Request for additional information, including survey plan.

**Applications****Siting and use Permit**

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

Planner: Ian Cox**Planning Status****Status Date:** 26-Feb-2021

ALC decision to allow 2 residences confirmed. SUP will be issued upon final ALC decision and conditions.

Status Date: 08-Feb-2021

Awaiting ALC NARU decision on companion ALC application.

Status Date: 28-Jan-2021

No change in status.

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

Planner: Stephen Baugh**Planning Status****Status Date:** 08-Mar-2021

Approved, file to PTA for issuance and closure

Status Date: 04-Feb-2021

File reassigned.

Status Date: 13-Aug-2020

File reassigned



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.9	Jean-Pierre Raulot-Lapointe Planner: Jaime Dubyna	25-Jun-2020	PID: 002-835-258 Building a small house. Civic address: #9, 4150 Parnell Road, Hornby Island, BC.
Planning Status			
Status Date: 22-Jan-2021 No change in status.			
Status Date: 27-Aug-2020 Planner advised applicant to contact Arch Branch.			
Status Date: 17-Aug-2020 Planner reviewing file.			
File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard Planner: Ian Cox	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.
Planning Status			
Status Date: 02-Mar-2021 On hold pending ALC decision.			
Status Date: 26-Feb-2021 ALC application received. Target March agenda item for LTC consideration to forward.			
Status Date: 08-Feb-2021 No change in status. Awaiting applicant decision on next steps with ALC.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.6	D'Arcy Jones Architects	29-Jan-2021	PID: 002-941-848 Building new house and auxiliary building. Civic address: 5825 Seawright Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 17-Feb-2021

Etransfer received today. File opening complete.

Status Date: 11-Feb-2021

File opened & assigned. Waiting for Etransfer.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.7	Wiig, Sigurd	09-Feb-2021	PID: 000-041-263 Moving building damaged by storm. Civic address: 3930 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 09-Mar-2021

Phone convo with applicant. Advised that accessory building could not be used as dwelling unit including temporary and transient use. Use must comply with bylaw.

Status Date: 12-Feb-2021

File opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.8	Clyne, Ian	03-Feb-2021	PID: 018-881-491 Building shop/studio. Civic: 3900 High Salal Drive, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 08-Mar-2021

Permit approved. File to PTA for issuance and closure.

Status Date: 18-Feb-2021

File opened & assigned. Waiting for Etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.9	Payne, Jeremy	10-Feb-2021	PID: 003-869-008 Building storage & prep shed. Civic address: 3005 Saint John's Point Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Feb-2021

File opened & assigned. Waiting for Etransfer.

Temporary and Industrial Use Permit

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

Planner: Jaime Dubyna

Planning Status

Status Date: 27-Nov-2020

Forwarded to bylaw enforcement.

Status Date: 30-Oct-2020

Planner requested update on pending conditions for issuance of TUP.

Status Date: 15-Jul-2020

Planner requested update on pending conditions for issuance of TUP.



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: 12-Mar-2021

On March 26 agenda.

Status Date: 28-Jan-2021

Tentative March 26th agenda item.

Status Date: 12-Jan-2021

Awaiting internal referral comment from FWS.

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending January 2021

635 Hornby	Invoices posted to Month ending January 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	412.00	0.00	412.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,022.00	1,417.71	604.29
65210-635	LTC - Local Exp - APC Meeting Expenses	283.00	826.30	-543.30
65220-635	LTC - Local Exp - Communications	250.00	687.23	-437.23
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,849.00</u>	<u>2,931.24</u>	<u>-82.24</u>
Projects				
73001-635-2004	Hornby OCP/LUB	<u>3,500.00</u>	<u>360.00</u>	<u>3,140.00</u>
TOTAL Project Expenses		<u>3,500.00</u>	<u>360.00</u>	<u>3,140.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
4.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: - Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; - For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; - Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; - Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; - Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: - Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. - More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

No.	Meeting Date	Resolution No.	Issue	Policy
				• While the property is rented, additional persons are staying in tents, trailers or recreational vehicles. • There are issues related to health and safety in accordance with the Land Use Bylaw. • There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people. • The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149: ○ 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.
6.	June 26, 2020	HO-2020-055	Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Hornby Island Local Trust Area.
7.	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
8.	November 6, 2020	HO-2020-081 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 amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.



Top Priorities Report

Hornby Island

1. *Comprehensive OCP Review*

The Hornby Island Local Trust Committee would like a Comprehensive Official Community Plan amendment to be prioritized by the Regional Planning team. Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA.

Responsible

David Marlor

Dates

Rec'd: 06-Nov-2020

2. *Watershed Protection and Groundwater Preservation*

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

Responsible

William Shulba

Dates

Rec'd: 08-Jun-2018

3. *Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.*

Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.

Responsible

Heather Kauer

Dates

Rec'd: 06-Nov-2020

Projects Report

Hornby Island

1. *Ford Cove Consultation*

Responsible

Date Received

Conduct a consultative process for the Ford Cove area

2. *Public Use area planning*

Responsible

Date Received

Support collaborative planning process for Public Use areas

27-Mar-2015

3. *Marine Protection*

Responsible

Date Received

Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection

28-Sep-2018

4. *Improving Bylaw Compliance*

Responsible

Date Received

Explore with the community and staff, approaches to improving Bylaw compliance

28-Sep-2018

5. *Ecosystem Protection*

Responsible

Date Received

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018



Projects Report

Hornby Island

6. *Addressing Climate Change*

Responsible

Date Received

Review measures to address climate change including through implementation of OCP policies

28-Sep-2018

7. *Addressing housing needs*

Responsible

Date Received

A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.

25-Jan-2019

8. *Implementation of Coastal Douglas-fir Toolkit*

Responsible

Date Received

25-Jan-2019

9. *Model Cell Tower Consultation Process*

Responsible

Date Received

13-Sep-2019

1.1 TRUTH PRECEDES RECONCILIATION

We all have to recognize that we are part of a heritage and ongoing reality of colonialism. Whether we have benefited from it or whether we have been victimized by it, we have to understand how we have been impacted by this dominant system. Oftentimes, we have been influenced to such an extent that we often don't even know that we're discriminating or being discriminated against. We must question what we've been taught and explore the possibilities of how things should be in the future.¹

- Senator Murray Sinclair, Chief Commissioner of the Truth and Reconciliation Commission of Canada (TRC)

No Acknowledgment of Place

When contemplating Policy Statement amendments through the lens of Reconciliation, it is important to acknowledge that First Nations have been excluded from legislative debates, policy and planning dialogues and cooperative partnerships throughout most of the history of the Islands Trust. The area in which the Islands Trust has existed as a jurisdictional body since 1974 is located within the treaty and territorial areas of the BOKEĆEN, Cowichan Tribes, Halalt, Xwémalhkwa, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMELEŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SÁÁUTW, Stz'uminus, Tla'amin, scəwaθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOŁEŁP, WSIKEM, and xʷməθkʷəyəm (the First Nations). Yet, there is no evidence in Hansard Reports, policy papers, or academic reviews that First Nations were ever part of the dialogue on the formation or boundaries of the Islands Trust Area.

Missing from the Trust Object

The Object of the Trust has never specifically named Indigenous Peoples or First Nations as agencies to cooperate or coordinate with, despite the fact that the Trust makes land use decisions within First Nations' treaty and territorial lands and waters:

It is the object of the trust to preserve and protect, in co-operation with municipalities and the Government of the Province, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally. (Islands Trust Act, 1974)

The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia. (Islands Trust Act, 2018)

Objectives of the Islands Trust Council would be to request First Nations be added to the object of the Trust after the words “for the benefit of the residents of the Trust Area, Indigenous Peoples, and of British Columbia generally, in cooperation with First Nations governments, municipalities...”.

Missing from History

The history of the Islands Trust Area and the colonization of the Gulf Islands is one of violence and erasure. It is important to understand that the history of the Islands Trust Area did not begin at the time of colonization in the 1880s; neither did it begin at the formation of the Islands Trust in 1974. The historical legislative policies and conceptualization of the Gulf Islands never acknowledged or recognized that the area had been home to Indigenous Peoples since time immemorial. The beauty and “unique amenities” of the Gulf Islands are the very reasons why the area was home to Indigenous Peoples for thousands of years, and are reflected in the telling of

¹ Globe and Mail: *For Senator Murray Sinclair, leadership is defined by humility*, Jan 24, 2021

First Nations' creation stories, relationship to the lands and waters, and stewardship of those lands and waters for future generations.

It should be underscored that the Islands Trust Area was, and still is, the location of permanent village sites with homes, longhouses, cultivated gathering areas for harvesting, clam gardens, and cultural sites. This occupation, over thousands of years, lay the foundations for the unique environment and amenities of the islands as we know them today. The Salish Sea Basin had one of the highest pre-contact population densities in North America, and has the earliest physical evidence of human seafaring and island occupation in the Americas. At this time, there are approximately 28,000 Coast Salish peoples living in and around the Islands Trust Area and 56,000 in the Coast Salish transboundary region. The climate and resources located in the Islands Trust Area were ideal for large village sites, evidenced by extensive scientific reviews of middens and archaeological sites in the area and oral history told by Cultural Knowledge Holders and Elders.

In a recent First Nations engagement meeting with Islands Trust staff, an Elder mentioned how longhouses on islands were burned to the ground and how the posts in the ground were cut to erase all evidence that the longhouse had even existed. The concept that these lands and waters had not been occupied and were free for the taking arose as residential schools were being built and the reserve system was enacted to segregate First Nations peoples away from their homelands so that they could be settled by non-Indigenous populations. From 1974 to current day times, there has been very little historical reference or acknowledgement of the longstanding presence of First Nations in the lands and waters of the Islands Trust Area.

Terra Nullius

For the settler communities who were colonizing the Islands Trust Area, the mentality of the day was one of “taming” the lands, and claiming lands through philosophical frameworks of Doctrine of Discovery² and terra nullius³. Beginning in 1875, the area was subject to *The Gradual Civilization Act*. The *Act* supported the concepts of private land ownership through the forced removal of First Peoples from the islands to reserves, away from locations deemed desirable for European settlement. As well, the *Act* ensured Indigenous Peoples did not have voting rights or citizenship rights to their own lands and waters. Further oppressive legislation restricted Indigenous Peoples to the reserve, did not allow them to gather in groups larger than three people, and denied them the ability to buy or hold land or hire legal representation. *The Gradual Civilization Act* was just one of the many oppressive legislative tools that facilitated the genocide of Indigenous Peoples, their homelands, their language, culture, and governance and family structures in the formation of Canada and the Islands Trust Area.

Residential Schools

The Islands Trust Area was the location of the Kuper Island Indian Residential School from 1889 to 1975, a place where cultural genocide occurred with the forced removal of children as young as five years old from the surrounding communities of Beecher Bay, Burrard, Chehalis, Chemainus / Chemainus Bay, Chilliwack, Clemclem / Clemclemluts, Cole Bay, Comeaken / Comiaken, Comox, Cowichan, Equimalt, Galiano, Khenipsen / Ghenipsen, Halelt / Halalt, Katzie, Koksilah, Kuleets, Kwaw Kwaw A Plit, Ladysmith, Langley, Lyackson, Malahat, Musqueam, Nanoose, Patricia Bay, Pauquachin, Penelakut, Qualicum, Quamichan, Saanich, Siccamen, Skawahlook / Skawollock, Skwah, Somenos, Songhees, Sooke, Squamish, Tsartlip, and Tsawout⁴.

² UNDRIP para. 4: all doctrines, policies and practices based on advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences

³ Oxford Reference: land that is unoccupied or uninhabited for legal purposes. The application of English law to overseas possessions distinguished between settled colonies

⁴ National Centre for Truth and Reconciliation

The school earned the name “Alcatraz” for its remote location on the small island. Right from its founding by the Catholic Church, the scale of suffering at Kuper Island was beyond the pale . . . Even school officials described Kuper Island as “ruinous” and “insanitary (sic),” with the school’s notoriously poor conditions exacerbating outbreaks of typhus, smallpox and tuberculosis.

- National Centre for Truth and Reconciliation

10,000 Years of Knowing

At the time of the formation of the Islands Trust in 1974, the government of the day recognized the importance of the unique “amenities” of the lands and waters. There was understanding that the environment of the area was fragile and could be greatly impacted by development and resource extraction or overuse. However, it was not acknowledged or understood that this unique environment was the result of thousands of years of active cultivation and stewardship by Indigenous Peoples. Hence, the government failed to consider Indigenous Knowledge of the lands and waters of the Salish Sea, the “10,000 years of knowing” (a term stated by Chief Leah George-Wilson of the Tsleil-waututh Nation), in the formation of policies and legislation that directly impacted First Peoples’ homelands in the Islands Trust Area.

Throughout its forty-seven years of preserving and protecting the Trust Area the Islands Trust has consistently failed to recognize or acknowledge resource gathering areas, spiritual places, medicinal plant areas, and culturally significant species. The Islands Trust has managed the Islands Trust Area with a disconnected, single-species view of the ecological landscape versus a relational, interconnected acknowledgement of what truly makes the Islands Trust Area unique. Indigenous ways of knowing are not only important to reconciliation efforts, but also to the effective stewardship of these lands and waters.

Double Standards

Despite the fact that, in the formation of the Islands Trust, it was recognized that rapid population growth and development could greatly impact the communities that had established themselves on the islands and that quality of life should be sustainable and minimize negative effects⁵; it was never considered that the areas in question had been subject to the forced removal of Indigenous children to the horrors of residential school and the forced removal of their parents to reserves far from the growing populations of settlers. Efforts to protect the well-being of constituents in Trust Area communities were not equally exerted to protect the well-being of the First Peoples who were no longer residents of the islands due to their forced removal.

Failure to Protect Cultural Heritage

Cultural heritage sites and features, and ancestral loved ones, remain throughout these islands from which First Nations have been forcibly removed. This cultural heritage, and the ancestral loved ones, have been desecrated, destroyed, and impacted as settler communities built on top of First Nation village sites, and extracted resources from culturally significant areas. With the enactment of the *Islands Trust Act* in 1974, the Islands Trust became the planning body that determined the impacts to cultural heritage sites and ancestral loved ones via its land and water use decisions. From its earliest version the *Islands Trust Act* acknowledged the importance of preserving and protecting cultural heritage. In 1974, it stated under s. 3(2)(d) that the Islands Trust was to “locate and identify archaeological and historical sites within the trust area” and under s. 3(2)(a) “make recommendations . . . for the preservation and protection of the trust area and its unique amenities and environment”. The Gabriola Island Community plan of 1978 acknowledged the “fragile nature of the environment” and the “special natural and archaeological areas” of the island.

⁵ BC Round Table on Environmental and Economy, and the Commission on Resources and Environment 1990-1994

It is therefore surprising to find no evidence to suggest that Islands Trust Council, or local trust committees, ever undertook to locate and identify the archaeological areas, or to preserve and protect the ancestral loved ones' resting places and cultural heritage such as fish weirs, clam gardens, artifacts, burial cairns, petroglyphs, or middens that exist extensively on all islands within the Islands Trust Area. However, in 1984, the Islands Trust did document and identify the settler heritage buildings in the Islands Trust Area in an extensive publication.⁶

In 1992, the Islands Trust encapsulated the views of the public in a *Summary Report on the Islands Trust Public Forums: These Islands of Ours . . . Framing Our Common Future*. At the public forums, people listed "history and archaeological heritage" and "archaeological record" as key attributes they valued about the Trust Area. In 1994, the Islands Trust received more opportunities to cooperate and enter into new relationships with First Nations with treaty and territorial rights and title in the Islands Trust Area. Amendments were made to the *Islands Trust Act* that allowed the Islands Trust to enter into agreements with First Nations governments. In the 1994 legislative debates⁷, legislators sought to clarify section 20(1)(b): the opportunity for the Islands Trust to enter into agreements with First Nations. Debate included the ability for the Islands Trust to enter into "a separate or bilateral set of negotiations" with First Nations to build "a very good working relationship" related to "conflicts over aspects that are considered to be heritage" and statements that "this is not just a question of the preservation of site-specific artifacts" but to provide the Trust with "a significant amount of empowerment". Debate further centred around the importance of First Nations heritage for the future, and how the preservation of sites in Haida Gwaii was an example of successful agreements. Unfortunately, despite this growing public consciousness and increased authority to preserve and protect First Nations' cultural heritage and establish stronger, more collaborative relationships with First Nations in the Trust Area, the Trust continued its pattern of inaction.

In 1994, the Islands Trust was also granted new legislative authority through amendments to *Bill 21 Heritage Conservation Statutes Amendment Act*, 1994, changes to the *Islands Trust Act*, and changes to the *Municipal Act*. Amendments to the *Islands Trust Act* included new powers to engage in "activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of the history and heritage" and to "conserve heritage property". Heritage property under the *Municipal Act* was defined as "property that in the opinion of a body or person authorized to exercise a power under this Act in relation to the property has sufficient heritage value or heritage character to justify its conservation, or is a protected heritage property". Protected heritage property is defined as "protected under section 6(2) of the *Heritage Conservation Act*".

The *Heritage Conservation Act* states that heritage property is protected and it is illegal to "damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846". The Islands Trust Area is within a historically rich and culturally abundant place of significant heritage value and properties. As noted above, the role and responsibility of the Trust was to recognize and protect the cultural heritage and historical significance of the area, which included the heritage of Indigenous Peoples. Land use decisions, bylaws, and official community plans should have been reflective of these new legislative powers to ensure the preservation and protection of significant sites such as Poets Cove, Grace Islet, and Harbour House to name just a few. The devastating impacts of the removal of ancestral loved ones from their resting places to institutions such as the Royal BC Museum, Simon Fraser University, University of British Columbia, and the Museum of Civilization contributed to cultural genocide within the Islands Trust Area.

⁶ Islands Heritage Buildings: A Selection of Heritage Buildings in the Islands Trust Area 1984

⁷ Legislative Session: 3rd Session, 35th Parliament, Volume 17, No. 2 June 29, 1994

Continued Legacy of Inaction

The history of the Islands Trust has unfortunately been one of complacent disregard for the history of Indigenous Peoples in the Trust Area and a lack of will to protect the collective heritage of the area for Indigenous Peoples, British Columbians, and Canada as a whole. Throughout the entire Trust Area, the destruction of archaeological sites, gravesites, cultural areas, and villages continues to this day. The history of cumulative impacts and destruction to the culture and historical understanding of area has been devastating to First Nations communities and their well-being, and has contributed to a general lack of trust in the role of Islands Trust. Despite the clear mandate to preserve and protect against development pressures in this fragile area, the Islands Trust has facilitated development on village sites that had existed for thousands of years, leading to the destruction of those areas and the unearthing of ancestral loved ones. This is especially tragic given that Indigenous Peoples were forcibly removed from the area and stripped of their ability to preserve and protect their own heritage through land use decision-making.

The formation of the Islands Trust in 1974 made it uniquely positioned to ensure the preservation and conservation of historical sites and archaeological areas for future generations of Indigenous Peoples and all British Columbians. As noted in legislative debates from 1974 to 1994, this had always been part of the rationale for the formation of the Islands Trust. Nonetheless, the Islands Trust has generally seemed to lack the will to compel other ministries and government agencies to prioritize the heritage of Indigenous Peoples, despite having the authority to do so, and despite being granted additional powers to work cooperatively with First Nations through amendments to the *Heritage Conservation Act* in 1994.

The Islands Trust did enter into protocol agreements with some First Nations after 1994; however, those agreements did not lead to additional protections or land use decision policies to protect the heritage of Nations or create collaborative relationships at a government-to-government level. The looting of ancestral remains and cultural artifacts has long been a known practice in the area, outlined in media articles in local newspapers, in meetings held with island communities, and in community conversations going back before the formation of the Islands Trust. Unfortunately, Islands Trust enforcement policies were not coordinated with other ministries or First Nations to address the looting of cultural artifacts or sites, and advocacy efforts have not been successful at curbing these unlawful activities that lead to the erasure of cultural heritage and desecration.

We end this section on the history and legacy of the Islands Trust Area with a quote from Chief Roland Wilson, West Moberly First Nation:

You can show Canada and the world that the only way to escape our colonial history of neglect and betrayal is to act boldly and honourably in the decisions that lie before us today.

BRIEFING

To: Executive Committee **For the Meeting of:** February 24, 2021
From: Lisa Wilcox, SIPA **Date Prepared:** February 18, 2021
SUBJECT: Islands Trust Reconciliation Report 2019 - 2021

PURPOSE: The Islands Trust Council has made reconciliation a priority and undertaken to strive to align initiatives and policies with guidelines set out in the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.

To align reporting and provide updates on the reconciliation goals the Islands Trust is undertaking staff compiled the attached Reconciliation Report 2019-2021 to be provided to Trust Council, March 2021 session for information purposes. Since the reporting period of 2018 to 2019 was not reported in a similar format, this first report covers multiple years ending with the 2020/2021 fiscal.

In future annual reporting will align the Islands Trust reconciliation goals with similar annual reporting required under Section 5 of DRIPA and help summarize, and inform the Reconciliation Action Plan 2018-2022, local trust committee projects and priorities, and other committee resolutions related to reconciliation and First Nations engagement.

FOLLOW-UP: Staff will follow up with any local trust committees or committee on projects, priorities, or resolutions to help address progress outstanding to support and assist with this work.

ATTACHMENT(S):

1. Reconciliation Report 2019-2021
-

Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO, February 18, 2021



RECONCILIATION REPORT

Islands Trust / 2019 to 2021



ACKNOWLEDGEMENT

The Islands Trust acknowledges that the Islands Trust Areas is located within the treaty and territorial lands and waters of the BOKÉĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMEŁŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXŁŁ, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SʔÁUTW, Stz'uminus, Tla'amin, scəwəθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOŁŁŁP, WSIKEM, and xʷməθkʷəyəm.

A NEW WAY FORWARD

Trust Council began fundamental work to advance reconciliation within the Islands Trust Area and within the Islands Trust organization beginning with the January 2019 special meeting of newly elected trustees. At the January 2019 special meeting, Trust Council began outlining the strategic plans of the organization and the goals for the four-year term. To mark a new way forward toward reconciliation Hereditary Chief Bill Williams/találsamkin Siyam (Skwxwú7mesh) and Hereditary Chief Ian Campbell/Xàlek/Sekyú Siyam (xʷməθkʷəyəm/Skwxwú7mesh) spoke to Trust Council at this special meeting encouraging them to approach their term as a journey of reflection and action toward reconciliation. They spoke of the relationship to the land and waters, paddling in the canoe together, and the responsibility that comes when working collaboratively and in mutually respectful ways.

“Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed.”

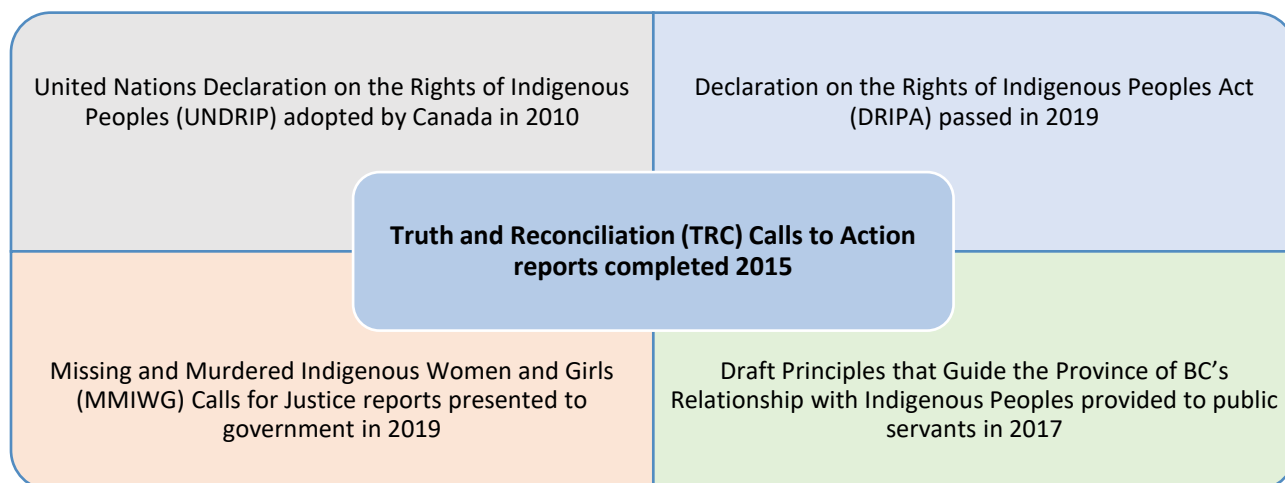
— Senator Murray Sinclair, Chair of the Truth and Reconciliation Commission of Canada





Foundation Documents: Reconciliation work undertaken by the Islands Trust is guided by the foundation documents tabled and adopted through commissions, testimony, and resolutions of the federal and provincial governments, Indigenous, Métis, and Inuit. Foundation documents include the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice (hereafter called the “foundation documents”).

Staff as provincial employees are also guided by the Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples (hereafter called “the principles”) and planning staff are also guided by the Canadian Institute of Planning policy statement “Planning Practice and Reconciliation” (“CIP planning principles”).



The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states:



The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world.

Article 43



MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG) CALLS FOR JUSTICE

On June 17, 2020, Union of BC Municipalities (UBCM) encouraged members to bring the Calls for Justice to their respective councils or boards for review, prioritization and consideration of endorsement in collaboration with local Indigenous communities.

On July 5, 2020, the Executive Committee requested a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the September 30, 2020, Executive Committee meeting. Senior Intergovernmental Policy Advisor (SIPA) provided a briefing to Executive Committee on the Calls for Justice on August 5, 2020, and subsequently Executive Committee passed the following recommendations on September 30, 2020.

RECOMMENDATIONS:

1. That the Executive Committee request that all staff be required to take training related to cultural safety in keeping with Missing and Murdered Indigenous Women and Girls Calls for Justice.
2. That the Executive Committee request that staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.
3. That the Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.
4. That the Executive Committee request staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.
5. That the Executive Committee request that staff draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.
6. That the Executive Committee request the Chair to write to the Union of British Columbia Municipalities Executive to report on actions taken by Islands Trust in response to the UBCM recommendation to its members that they consider the Missing and Murdered Indigenous Women and Girls Calls for Justice.

DECLARATION ON THE RIGHT OF INDIGENOUS PEOPLES ACT (DRIPA)

In November 2019 the provincial government passed legislation to implement UNDRIP as a framework for reconciliation. The *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) will guide this work. Islands Trust will begin the process of reviewing policies and processes to align with DRIPA and will provide reporting on this work on an annual basis.



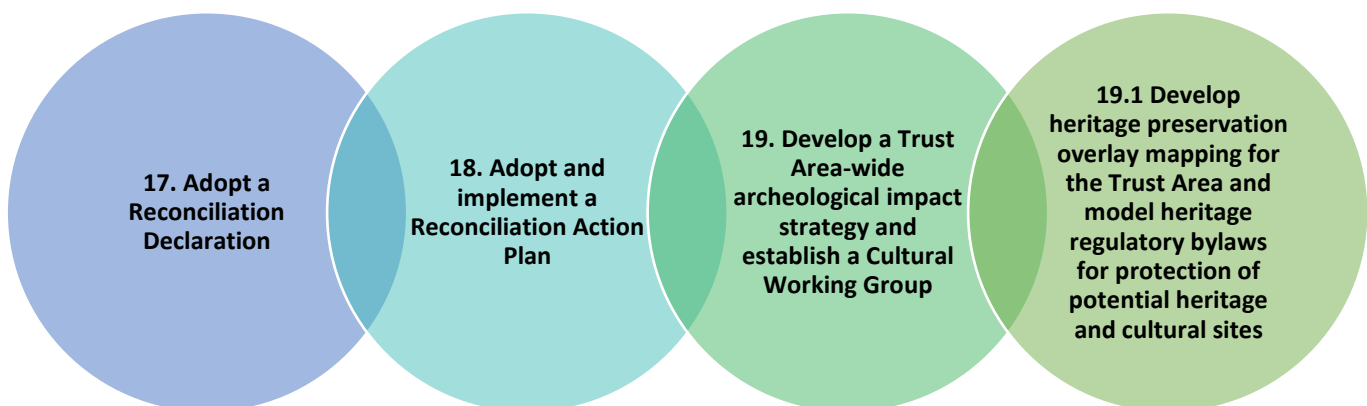
STRATEGIC PLAN ELEMENTS

Trust Council adopted the Islands Trust Strategic Plan 2018-2022 to represent the priorities of Trust Council and the Islands Trust and to provide a framework to guide decision-making and allocate resources. Statement of Trust Council 2018-2022 states:

The object clause in the *Islands Trust Act* provides our mandate to ‘preserve and protect’ the Trust Area and the Policy Statement remains a primary guide in our goal setting and decision-making. We acknowledge however, that the Policy Statement does not fully contemplate much of what we face. First Nations must be acknowledged . . . we will strive to ensure that we enact the guiding principles of Reconciliation creating mutually respectful and collaborative relationships with First Nations.



Under Community and Communication, the objective set out in the Strategic Plan is to “strengthen relations with First Nations”. The strategic elements to accomplish that include:





17. Adopt a
Reconciliation
Declaration

17. Reconciliation Declaration: In March 2019 on Gabriola, Trust Council unanimously passed the Islands Trust Reconciliation Declaration to acknowledge, commit, and strive to the principles of reconciliation.

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

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

*The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.
Adopted: Gabriola Island March 14, 2019*

Reconciliation Standing Resolutions (item 2 of Reconciliation Action Plan – Standardization of Reconciliation Standing Resolutions): Local trust committees also committed to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples with the passing of a Reconciliation Standing Resolution to guide the respectful relationship with First Nations governments at the local island level. The Local Trust Committees of Galiano, Denman, Hornby, Salt Spring, North Pender, South Pender, Mayne, Thetis, Gambier, Gabriola, Lasqueti, and Ballenas-Winchelsea all passed the Reconciliation Standing Resolution; Saturna Local Trust Committee and Bowen Island Municipality did not pass the Standing Resolution.

That the 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 (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 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;*

Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;

Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.



18. Adopt and implement a Reconciliation Action Plan

18. Reconciliation Action Plan

At the June 2019 Trust Council meeting on Galiano, Councillor Ken Thomas (Penelakut Tribe) and Jim Chisholm, Band Manager for Penelakut spoke to the historical connections to the lands and waters of the Salish Sea, the collaborative relationship that could exist with commitment from trustees, and acknowledgement of the historical wrongs that continue to impact First Nations to this day. Trust Council then undertook to unanimously adopt an Islands Trust Reconciliation Action Plan 2018-2022 that outlined steps to meet the Truth and Reconciliation (TRC) Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In the adoption of a Reconciliation Action Plan Islands Trust Council sought to fulfil the TRC Call to Action #43 and #44. Trust Council acknowledged that the journey of truth and reconciliation is a long-term relationship building and healing process that would be undertaken by the organization as a whole, and will require government-to-government engagement, and interagency cooperation into the future.

TRC Call to Action #43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

TRC Call to Action #44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

1. Education/Training – Cultural Competency, Cultural Safety – 2-year plan – see the section on Organizational Change through Training.

2. Standardization of Reconciliation Standing Resolutions – see section on Reconciliation Standing Resolution.

3. Policy and Procedures – 4-year plan – ongoing.

- New processes put in place to review staff reports to ensure they are supporting the work of reconciliation and concerns of First Nations;
- New processes in place to review building permits and providing applicants with information on archaeological data and chance find protocols;
- Review of engagement processes for Official Community Plans and bylaw changes;
- Budget reviews to ensure engagement and capacity funding is in place for projects and initiatives;

4. Cultural, Naming and Recognition Work – 4-year plan

- Islands Trust through its engagement with First Nations will develop a collaborative process to implement cultural, naming and recognition within the Islands Trust Area, including:
 - Signage;
 - Covenant area pathways and signage;
 - Placenames;
 - Plaques and wayfinding;
 - Use of language and language revitalization.



5. Liaison and Engagement with First Nations and Others – see the section on First Nations Engagement and Interagency engagement.
6. Communications and Messaging – see the section on Communications and Media.
7. Cultural Working Group – see the section on Organizational Change through Training and item 19.

19. Develop a Trust Area-wide archeological impact strategy and establish a Cultural Working Group

19. Develop a Trust Area-wide Archeological Impact Strategy and Establish a Cultural Working Group - ongoing

Cultural Working Group – over 30 sessions where held over a two year period to engage staff and trustees with Cultural Knowledge Holders, and in training that focused on protocol, Indigenous Law, and cultural understanding. This focused understanding lead to greater understanding of the impacts to cultural heritage, and ancestral loved ones.

Members of the Cultural Working Group engaged with SIPA to develop new understanding of their roles as planners, and staff; this focused immersive training empowers staff to build stronger relationships with First Nations, evaluate applications more inclusively, and develop their understanding of cultural safety.

Archaeological Impact Strategy – over the past two years staff have examined the current planning and application process and how that impacts archaeological sites. The following strategies have been put in place as interim measures until 19.1 can be implemented:

- Desktop review of archaeological data to review registered and potential sites on all applications;
- Provide applicants with the Islands Trust Chance Find Protocol for all applicants with potential sites on a property;
- Provide applicants with notification of proximity to potential and registered sites on a property;
- Provide applicants with data on archaeological sites on their properties if requested;
- Provide contacts of Cultural Knowledge Holders or contacts at Archaeological Branch if requested;
- Provide planners and staff with knowledge about impacts to and legal requirements to protect archaeological sites;
- Developed relationships with staff at the Archaeological Branch to liaison and describe the role of the Islands Trust and the Islands Trust reconciliation initiatives;
- Develop relationships Capital Regional District staff to liaison and describe the role of the Islands Trust and the Islands Trust reconciliation initiatives;
- Work with societies and conservation groups to assist them in understanding the importance of cultural heritage and archaeological awareness.

Special Recognition – Trustee Grant Scott liaised with the SIPA and the Archaeological Branch to repatriate an ancestral loved one from an islander's home, and worked to ensure that the ancestral loved one will be cared for by the K'òmoks First Nation. The ancestral loved one had been disinterred over 45 years ago.

19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites

19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites

The Islands Trust Area is a sensitive ecosystem with significant historical places and cultural heritage throughout the islands and waters. All islands have archaeological sites and cultural heritage places that date back over 10,000 years. Ensuring the preservation

and protection of the cultural heritage and heritage values that exist on the islands is a priority for the Islands Trust. The Islands Trust in 2021 will be undertaking an initiative in collaboration with First Nations and Cultural Knowledge Holders and archaeologists to understanding how to preserve and protect the significant cultural and historical places within the Islands Trust Area.

The Islands Trust Strategic Plan outlines that staff and trustees will develop a heritage preservation overlay mapping initiative that will inform model heritage regulatory bylaws to ensure the protection of potential heritage, and cultural sites. The Islands Trust staff and trustees look forward to engaging with community and First Nations to ensure that we preserve and protect the heritage and cultural values on the islands now and in the future.

Heritage Preservation Overlay



UNDRIP ARTICLES

29 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

31 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.



ORGANIZATIONAL CHANGE THROUGH TRAINING

1. Education/Training – Cultural Competency, Cultural Safety – 2-year plan Reconciliation Action Plan

Training is a foundational step within an organization, training in reconciliation leads to greater understanding and knowledge and the Truth and Reconciliation Commission stated in Calls to Action #57 that education in reconciliation is the responsibility of all governments. Public servants and elected trustees cannot fulfil their roles without an understanding of the history and legacy of the Islands Trust Area and the genocide that occurred to Indigenous Peoples.

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

TRC Calls to Action

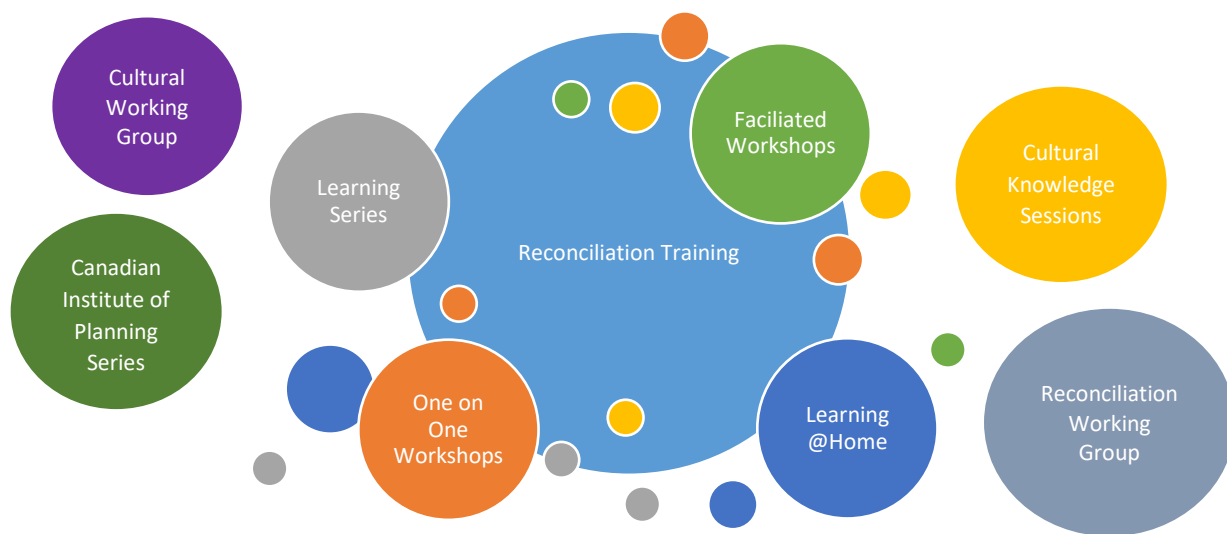
Executive Committee and the Chief Administrative Officer approved the development of training modules for trustees and staff, and Trust Council set learning about Indigenous Law and First Nations Engagement as a Learning Series priority. The Islands Trust sought to provide training to staff and elected officials based on the guiding principles of the foundation documents, the principles, and the CIP planning principles. The Islands Trust also sought guidance and review of the training modules from Hereditary Chief Bill Williams (Sḵwxwú7mesh), residential school survivors Bill Adsit (Tahltan) and Hereditary Chief Eugene Harry (MÁLEXEŁ), and Holocaust descendant Rima Wilkes (Professor UBC Sociology).

The Islands Trust commitment to reconciliation training is a commitment to all Islands Trust staff, the Islands Trust community, and represents a commitment to the reconciliation journey all Canadians must undertake.

Successful learning¹ means we can be challenging the learned beliefs and premises that exist within people, organizations, and environments. The culture that an organization creates to lead in the learning environment means approaching the whole organization and the whole person. Education in reconciliation as outlined by the TRC Calls to Action #57 will require leadership, organizational transformation, openness to learning, shifting the landscape of learning, and understanding of the physical design of training modules.

¹ Methodology source: Harvard University Leaders of Learning Professor Richard Elmore, Educational Leadership/Harvard Graduate School of Education

Within the Islands Trust, training success means shifting the common identity and set of beliefs of the organization. Within the Islands Trust Area systemic challenges exist that create a false narrative of Indigenous Peoples history, presence, social structure, kinship ties, First Nations jurisdiction, governance, reserve system, and the oppressive legislation that lead to genocide. Although the Islands Trust values to preserve and protect are an organizational strength; how those values are expressed and operationalized within the organization must be challenged through training as set out by the TRC Calls to Action #57. The Trust Council and Chief Administrative Officer undertook this work and the Senior Intergovernmental Policy Advisor produced, and delivered all training, and vetted all outside training, webinars, podcasts, documentaries, or information material. To create lasting change over time training modules are provided to trustees and staff using various methods.



The following principles were used to create successful learning experiences and support organizational change.

Principle One²: Pathways Principle – how do you change over time, how do you learn and develop? Pathways Principles means creating varied opportunities to learn with both mandatory and voluntary experiential ways to engage. The Pathways Principle allows for visual, auditory, reading, and questioning learners learning styles to be met ensuring that a one-size fits all approach is avoided.

Principle Two: Context – modeling behaviour and learning potentialities based on the physical, social, and relational factors in the environment. SIPA provides modeling behaviour based on Indigenous protocol, and cultural teachings as well as introducing staff and trustees to learning sessions on the land with Cultural Knowledge Holders, and Indigenous leaders, and community members. Learning modules

² Methodology source: Harvard University Leaders of Learning Professor Richard Elmore, Educational Leadership/Harvard Graduate School of Education



speak to the place in which we live, the relationship to the land and waters, Indigenous ways of knowing, and the social and economic lived experience within the Islands Trust Area as it relates to the treaty and territorial lands and waters of First Nations.

Principle Three: Dimensions of the Learner – looking at the whole learner. Teaching from a place of understanding the whole learner means accepting we are on a journey, and that many people are at different stages of learning when they come to work or are elected to the Islands Trust. Learning may need to be adjusted or tailored to different learners and learning may need to happen over time. There is no expectation that all learners will reach the same place at the same time through one learning module or methodology. The goal is to ensure that each person that is trained within the Islands Trust structure moves forward on their journey to help and touch others with their learning.

One on One Workshops (item 1.1 of Reconciliation Action Plan): meeting with staff and trustees on a one on one basis allows learners to talk about their gaps in understanding, bias, stereotypes, and lived experiences in a safe and supported workshop.

Facilitated Workshops (item 1.2 of Reconciliation Action Plan): half-day sessions held at each office location or on island with trustees.

Learning Series: Reconciliation Orientation (item 1.3 and item 1.9 of Reconciliation Action Plan) – presentation and meetings, with orientation material.

Learning Series: Residential School History and Legacy (item 1.4 of Reconciliation Action Plan) – mandatory training and presentation with speaker. Presentation is selected material from the Truth and Reconciliation Commission Six-volume Reports. Presented to trustees in December 2019 in Victoria Bill Adsit (Tahltan) residential school survivor speaker. Presented to staff in January 2020 by electronic zoom meeting (due to COVID-19 restrictions) Hereditary Chief Eugene Harry (MÁLEXE) residential school survivor speaker.

Learning Series: First Nations Acknowledgements (item 1.7 of Reconciliation Action Plan) – electronic meeting to practice language, names, and phrasing, with handout.

Learning Series: Indigenous Law, UNDRIP, Rights and Title (item 1.13 of Reconciliation Action Plan) – planning staff participated in an electronic meeting to learn and ask questions on concepts and legal principles that are fundamental to their work, with booklet.

LEARNING @HOME

Is a voluntary individually directed learning experience. If you want to learn more about a certain topic covered in the Learning @Home series or have a question about a particular topic that sparks your interest please send me a note by email, or chat on Jabber. Many of the Learning @Home topics have come from staff members or trustees seeking out knowledge on reconciliation, First Peoples, or history and then forwarding that to me. I am grateful for this sharing and that this individual learning staff has undertaken has helped expand learning and that we are all learning together in new ways at the Islands Trust.



Learning Series: Indigenous Law, UNDRIP, Rights and Title (item 1.13 of Reconciliation Action Plan) – trustees meet on Bowen Island for a presentation and questions on this important topic, with booklet.

Cultural Knowledge Holder Workshops (item 1.8 of Reconciliation Action Plan) - staff and trustees attended on island sessions with Harold Joe, Cultural Knowledge Holder (Cowichan Tribes) on understanding cultural heritage, history and legacy of impacts to cultural heritage, respecting the land and waters, and cultural understanding. Some sessions were attended by Capital Regional District staff and officials, conservancy societies, and islanders. Sessions also included staff from the Islands Trust Conservancy and partner conservancy society members.

Reconciliation Working Group - Trust Programs Committee created working groups one on reconciliation. The Reconciliation Working Group included Trustee Colbourne, Trustee Fenton, Trustee Peterson, and Trustee McConchie, and the SIPA (nine meetings held).

Cultural Working Group (item 1.8 of Reconciliation Action Plan) - Creation of a cultural working group with the intention of focusing on knowledge and understanding around engagement, protocol, cultural understanding, and working with First Nations. Six staff members and eight trustees form the cultural working group. Members of the cultural working group received more focused training, and participated in cultural knowledge holder sessions.

Learning @Home: Land and Territorials Acknowledgements (item 1.7 of Reconciliation Action Plan) – one hour electronic meeting with staff to understand the importance of land and territorial acknowledgements, to practice language, names, and phrasing, with handout.

Learning @Home National Indigenous Peoples Day and National Indigenous History Month (item 1.11 of Reconciliation Action Plan) – one topic per week (4 total in this series) including creation stories, documentaries, podcasts.

Learning @Home Reconciliation and Truth (item 1.7 of Reconciliation Action Plan) – documentaries and questions.

Indigenous Approaches to Planning – Canadian Institute of Planning (item 1.10 of Reconciliation Action Plan) series went for one week with webinars on land use, methodology, Indigenous ways of knowing, cultural knowledge, legal understanding as it relates to planning, and engaging with First Nations – notes were provided to all planners summarizing the sessions.

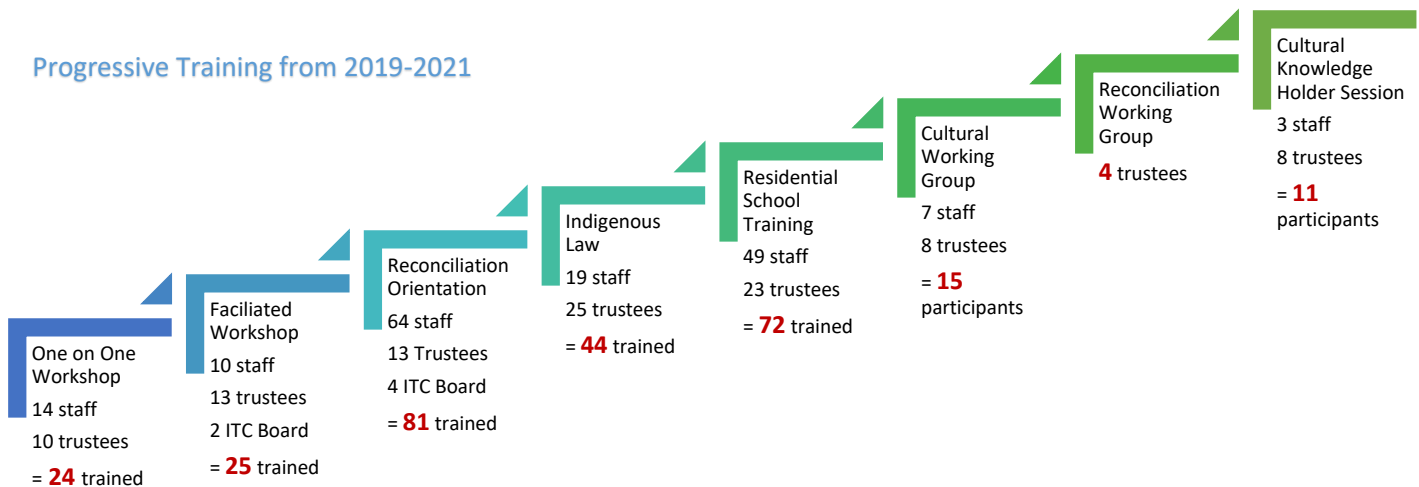
External Training Sessions (item 1.12 of Reconciliation Action Plan) – SIPA presented the Islands Trust reconciliation process at UBC Sociology (two sessions), Royal Road University (one session), and Royal Road University Environmental Planning (one session).

Training Participation:

Over the past two years, training outcomes have created positive change within the organization. Islands Trust has also trained fourteen staff who have moved on to other ministries, local governments, or other positions outside the organization.

Percentage of trustees participating in training = 96%. Percentage of staff participating in training = 98%

Progressive Training from 2019-2021



Over the coming year orientation material and mandatory training processes will be put in place to assist staff and trustees in understanding and training. Looking forward, engaging with Cultural Knowledge Holders and specific topic speakers will be an ongoing goal.

FIRST NATIONS ENGAGEMENT

5. Liaison and Engagement with First Nations and Others / Reconciliation Action Plan

Over the last two years the Islands Trust and Islands Trust Conservancy met and attended meetings with the following First Nations and Treaty Alliances/Councils; as well as Cultural Knowledge Holders:

First Nations Governments:

BOĶĖĶĖN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
K'ómoks (Comox) First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
shíshálh (Sechelt) First Nation
Snuneymuxw (Nanaimo) First Nation
Skwxwú7mesh (Squamish) Nation
Tla'amin (Sliammon) Nation
səlilwətaʔ (Tsleil-waututh) Nation

Community Members:

Hereditary Chief Bill Williams (Skwxwú7mesh)
Harold Joe (Cowichan Tribes)
Elder August Sylvester (Penelakut)
Eugene Harry (MÁLEXEL)

Treaty and Tribal Alliances:

Cowichan Tribal Alliance
Cowichan Tribes
Stz'uminus (Chemainus) First Nation
Halalt First Nation
Penelakut Tribe
Lyackson First Nation
Naut'sa mawt Tribal Council (NmTC)
Halalt First Nation
Xwémalkwu/ʔop qaymıxʷ (Homalco)
toq qaymıxʷ (Klahoose) First Nation
K'ómoks (Comox) First Nation
MÁLEXEL (Malahat) Nation
təʔamen qaymıxʷ (Tla'amin) Nation
Snaw-naw-as (Nanoose) First Nation
Stz'uminus (Chemainus) First Nation
scəwəθən məsteyəxʷ (Tsawwassen)
səlilwətaʔ (Tsleil-waututh) Nation
T'Sou-ke Nation
W̱SÁNEĆ Leadership Council Society
W̱JOŁŁP (Tsartlip) First Nation
W̱ SIŁEM (Tseycum) First Nation
S̱ÁUTW̱ (Tsawout) First Nation

Islands Trust also corresponded and/or sent referrals to scəwəθən məsteyəxʷ (Tsawwassen), We Wai Kai (Cape Mudge), Wei Wai Kum (Campbell River), W̱ JOŁŁP (Tsartlip), W̱ SIŁEM (Tseycum), and xʷməθkʷəy̓əm (Musqueam), Ts'uubaa-asatx (Lake Cowichan), Lək'wəŋən (SXIMEŁŁŁ (Esquimalt), Songhees, T'Sou-ke), Scia'new (Beecher Bay), SEMYOME (Semiahmoo), S̱ÁUTW̱ (Tsawout), Stz'uminus (Chemainus), and Qualicum.

Specific Meetings and Engagement	
Cowichan Tribes	- Senior staff meeting to talk about advocacy and relationship building - Meeting on Policy Statement and Islands 2050
K'ómoks First Nation	- Senior staff, Ministry of Municipal Affair, Ministry of Indigenous Relations and Reconciliation, elected officials from local governments on jurisdiction and decision making within K'ómoks territory - Elected officials from local governments, Chair Peter Luckham attending to learn about K'ómoks cultural heritage permitting, DRIPA, and relationship building

shíshálh First Nation	Engagement on the Policy Statement and Islands 2050
MÁLEXEL First Nation	- Engagement on the Policy Statement and Islands 2050 - Engagement on Ganges Village Plan
Penelakut Tribe	- Engagement on working together and building relationships - Engagement on Policy Statement and Islands 2050 - Meeting with senior staff on applications that impact Penelakut Tribe cultural areas - Meeting with senior staff on management plans related to Islands Trust Conservancy - Dialogue on preservation and protection of cultural areas and heritage
Tla'amin Nation	- Engagement on the Policy Statement and Islands 2050 - Engagement on land use decision making on Lasqueti and waters of the Salish Sea
Snuneymuxw First Nation	- Engagement on applications that impact Snuneymuxw First Nation treaty and territory - Engagement on reviving protocol agreement - Engagement on building relationships and working together to preserve cultural heritage - Engagement on Policy Statement and Islands 2050
səlilwətaʔ Nation	Engagement on Policy Statement and Islands 2050
Sḵwxwú7mesh Nation	- Bowen signage and naming and recognition - Sandy Beach and Islands Trust Conservancy management plans - Engagement on Keats Island Shoreline Protection project - Engagement on Policy Statement and Islands 2050
Halalt First Nation	- Engagement on Policy Statement and Islands 2050 - Engagement on Ganges Village plan
BOŖÉĆEN First Nation	Dialogue with Islands Trust Conservancy on covenant areas, cultural areas, and mapping
Naut'sa mawt Tribal Council	Chair and Chief Administrative Officer with senior staff attended a meeting to build relationships with the Naut'sa mawt Tribal Council
Cowichan Tribal Alliance	Engagement on Ganges Village Plan
W̱SÁNEĆ Leadership Council	- Engagement on Policy Statement and Islands 2050 - Engagement with Islands Trust Conservancy and covenant areas
First Nations Leadership Council	Dialogue on advocacy and climate emergency

INTERAGENCY COOPERATION

Over the last two years Islands Trust trustees and senior staff have held meetings to strengthen interagency cooperation and to speak about the work and mandate of the Islands Trust. As well, Islands Trust senior staff are working closely with Ministry partners to update and align agreements and processes to ensure they are reflective of DRIPA, and the reconciliation goals of the Islands Trust.

Specific Meetings and Engagement	
Ministry of Indigenous Relations and Reconciliation (MIRR)	- Chair and senior staff met with the Minister to speak about the reconciliation work the Islands Trust was undertaking - Senior staff worked closely together to guide Islands Trust on how to engage on the Policy Statement and Islands 2050 - MIRR facilitated meetings with some First Nations and local governments which Islands Trust attended
Ministry of Forests, Lands, and Natural Resources Operations	- Senior staff met with the Deputy Minister on relationship building, cooperation, and policy alignment - Senior staff dialogue on updating agreements and working together - Engagement on crown land consultation and engagement processes
Ministry of Transport and Infrastructure (MoTI)	Senior staff met with MoTI staff to talk about interagency cooperation, understanding, consultation, and reconciliation
Archaeological Branch	- Senior staff met with senior staff of the Archaeological Branch to discuss processes and understanding, the role of the Islands Trust and working together - Dialogue about protection of cultural heritage and Islands Trust and Archaeological Branch contacts - CAO wrote the Archaeological Branch to advocate for strengthening the relationship
Ministry of Municipal Affairs	- Dialogue about the Policy Statement and Islands 2050 - Collaborative dialogue about engagement correspondence on specific projects
Capital Regional District	Mayne Island LTC engaged with CRD staff and officials and conservancy partners to ensure cultural protection and preservation of Cotton Park, on Mayne Island

POLICY STATEMENT AMENDMENT/ISLANDS 2050

In 2017, the Islands Trust began engaging with First Nations government on the plans to amend the Islands Trust Policy Statement. Correspondence was sent to First Nations to introduce the Policy Statement Amendment process. In 2018, Islands Trust corresponded with First Nations to introduce the

Islands 2050 project and the hope to engage on a meaningful level to collaborative begin the process of amending the Policy Statement.

At the end of 2018 and the beginning of 2019, the Islands Trust trustees and senior staff began the engagement process. Meetings were held with various First Nations and with Treaty Alliances or Councils. In 2019, all communities and organizations were impacted by COVID-19. Islands Trust staff undertook to change the engagement process to adjust to the new reality of remote working/community safety/access to technology.

Capacity Funding - From 2019 to 2021, the Islands Trust provided capacity funding to First Nation governments and First Nation treaty associations to review and engage on the Policy Statement amendment process. The Islands Trust also began dialogue with other ministries and agencies to collaboratively work together to fulfil the co-collaborative Object of the Trust and support the work of reconciliation in the Trust Area. To date meetings have been held with Ministry of Indigenous Relations and Reconciliation. First Nations and Treaty Alliances will be able to access capacity funding until the end of March 2021.

Capacity Funding	
Cowichan Tribes	• Capacity funding received and comments on amendments received
Tla'amin First Nation	• Capacity funding received and comments on amendments received
WSÁNEĆ Leadership Council	• Capacity funding received, meetings, and amendments expected by end of March 2021
Naut'sa mawt Tribal Council	• Capacity funding offered
səlilwətaʔt (Tsleil-waututh) Nation	• Capacity funding offered
K'òmoks First Nation	• Capacity funding offered
Snuneymuxw First Nation	• Capacity funding offered
MÁLEXEŁ First Nation	• Capacity funding offered
Penelakut First Nation	• Capacity funding offered
shíshálh First Nation	• Capacity funding offered

After March 2021, Islands Trust staff will continue engaging with First Nations governments and Treaty Alliances as we undertake the amendment process; we will be engaging to ensure that comments received in meetings and during the capacity funding process are reflective of reconciliation language, core concerns, and expectations.

Staff will be undertaking to remove offensive and disrespectful language from the Policy Statement and will be working with First Nations Knowledge Holders, and governments, as well as with interagency partners to ensure that the Policy Statement aligns with the goals of DRIPA and the foundation documents.

Staff will continue to engage with First Nations governments and interagency partners until the Policy Statement is submitted to the Minister of Municipal Affairs.

WORKING WITH COMMUNITY

Community engagement and support on reconciliation engagement occurred throughout 2019 and 2021 with conservancy groups and societies, constituents, and island organizations. Islands Trust Senior Intergovernmental Policy Advisor provided educational resources, and understanding to various societies, and conservancy groups, and liaised with individual constituents on reconciliation and the work of the Islands Trust.

Direct engagement with community was postponed due to COVID-19 including the Dust n Bones documentary presentation on Denman, Hornby, Gabriola, and Salt Spring Island. The Dust n Bones documentary presentation was made possible through the Islands Trust History and Heritage Grant. The Senior Intergovernmental Policy Advisor supported the grant application to UBCM Reconciliation Pilot Project to facilitate reconciliation work on Galiano Island. One event was attended by over 100 Galiano islanders to hear from Elder August Sylvester (Penelakut Tribe) and Harold Joe (Cowichan Tribe) and host a screening of Dust n Bones before COVID-19 restrictions were put in place.

COMMUNICATIONS/MEDIA ENGAGEMENT

Since 2018, the SIPA has reviewed news releases and communications material to ensure that language and tone aligns with the Islands Trust goals of reconciliation. On March 19, 2019, the Islands Trust began incorporating language and territorial place in news releases. In 2019, fifteen news releases have incorporated First Nations language and acknowledgement of territorial or treaty place. In 2020, all twenty-five news releases included First Nations language and acknowledgement of territorial or treaty place.

As the Islands Trust moves forward communications language and tone will be reflective of the foundation documents and specific Truth and Reconciliation Calls to Action such as:

#47: We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

TRC Calls to Action

UNDRIP Article 8 (e) Indigenous peoples and individuals have the right not to be subjected to . . . any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

UNDRIP Article 15 (2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.



LOCAL TRUST COMMITTEE PRIORITIES AND PROJECTS

Local Trust Committees have been setting priorities and protects, and the work of reconciliation is happening and part of the overall work LTCs are undertaking.

Ballenas-Winchelsea

1st Priority	Description: Advocacy for the protection and appropriate use of Crown islets. Activity: To work with Nanoose First Nation, provincial agencies and other agencies to facilitate appropriate public use of the islands. - Coordinate a boat tour of the BW islands and islets inviting FN representatives, MABR members and Regional District Electoral Area representative.	19-May-2015
2nd Priority Medium Level	Description: Nanoose First Nation Relationship Building. Activity: - Coordinate BW meeting rotation at Nanoose FN meeting facility	26-Jul-2011

Denman

07-Nov-2019	Description: naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas Activity: Reference Staff Report dated November 7, 2019	
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Gabriola

1st Priority	Description: Housing Options and Impacts Review Project Activity: Develop an Engagement and Communication Strategy; Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options; Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services; Develop a strategy to address all housing continuum gaps; Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.	22-Nov-2018
27-Jan-2011	Description: First Nations cultural references Activity: Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.	



22-Jan-2015	Description: Snuneymuxw Protocol Agreement	
	Activity: Implementation of Snuneymuxw First Nation Protocol Agreement	

02-Apr-2015	Description: Snuneymuxw Relationship Building	
	Activity: Strengthen relationship with Snuneymuxw First Nation	

Galiano

Reconciliation Standing resolution passed and community engagement ongoing.

Gambier

Engaging with Squamish and Tsleil-waututh First Nation on the following priorities:

3rd Priority High Level	Description: Keats Island Shoreline Protection Project - Phase 3	31-Jan-2019
	Activity: Review of OCP and LUB to implement shoreline protection measures. Establish Shoreline DPA and updates marine structure regulations.	
4th Priority High Level	Description: OCP Advocacy Policies - Implementation & Support	24-Oct-2013
	Activity: Supporting the advocacy policies of the Gambier, Keats, and Associated Islands OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)	

Hornby

1st Priority	Description: Comprehensive OCP Review	06-Nov-2020
	Activity: The Hornby Island Local Trust Committee would like a Comprehensive Official Community Plan amendment to be prioritized by the Regional Planning team. Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA.	



Lasqueti

24-Sep-2018	Description:
	Community to Community Forum
	Activity:
	Establish relationships with First Nations with interests in the Lasqueti Local Trust Area.

Mayne

	Description:	
	Land Use Bylaw Technical Amendments	
	Activity:	
1st	Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.	23-Sep-2019 31-Mar-2021
Priority	Through First reading at June 29 meeting, referrals sent, public hearing is being scheduled for September 2020.	
Medium	Second reading July 27th.	
Level	Public Hearing postponed.	
	Additional amendments proposed at Sept. 28, 2020 meeting.	
	Public Hearing to held prior to October 26, 2020 meeting.	
	Bylaw referred to Executive Committee. Bylaw returned for referral to First Nations.	
	Bylaw returned to EC and approved.	

North Pender

Ongoing reconciliation focus with passing of the Reconciliation Standing Resolution and engagement with community and Nations.

Saltspring

	Description:	
	Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection	
	Activity:	
1st	Jan. 19, 2021 - LTC request \$75,500 special tax requisition for 2021/22 SSIWPA;	07-Jun-2012 30-Dec-2022
Priority	recommend amend 2021/22 budget to allocate up to \$80,000 from surplus funds to spend on a SSIWPA strategic plan and Weston Lake Watershed Assessment	
Medium	Consultation - SSIWPA supports ongoing well and lake monitoring post pilot monitoring stage.	
Level	Analysis - Master project charter update for consideration. Proposal to consider sub project charter.	
	Legislative - Draft bylaw amendments for LUB proof of water requirements at time of subdivision submitted to FLNRORD staff for preliminary review.	



3rd Priority High Level	Description: Ganges Village Planning Activity: Dec. 15, 2020 - verbal update Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding.	08-Jun-2020 31-Mar-2022
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06-Oct-2020	Description: OCP Amendments Activity: • First Nations Heritage and Cultural Site Protection (Jan. 2015) • Piers Island Bill 27 OCP Update (Dec. 2015) • Marine Environment Protection (Foreshore Audit) (June 2016) • Official Community Plan Review (Nov. 2017) • Development of a Music Strategy (June 2020) • Waste Transfer Stations (Waste Management Plan) (July 2020)	
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Saturna

1st Priority High Level	Description: First Nations Relationship Building Activity: Review of OCP to include references to First Nations. Project Charter endorsed July 18, 2019 Letter Sent to First Nations as per Project Charter Public Hearing scheduled for January 2021	16-Sep-2016
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South Pender

01-Nov-2019	Description: First Nations Language Activity: Consider OCP amendment to include a more fulsome historical accounting of First Nations	
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Thetis

3rd Priority	Description: Relationship Building with First Nations Activity: Potential topics to explore: Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review: land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea.	27-Feb-2018
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07-Sep-2011	Description: Associated Islands OCP and LUB
	Activity: Develop new OCP and LUB to replace CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.

11-Feb-2020	Description: Plan to Improve Community Engagement Policy and Practice and to include First Nations
	Activity: Reference: 'Proposal for a Thetis Island Official Community Plan Engagement Strategy' discussed at February 11, 2020 LTC meeting.

RESOLUTIONS

Trust Council - 2020

2020-006	Carried	4.2.1 Statement of Solidarity - Briefing	11-Mar-2020
Resolution: It was Moved by Trustee Busheikin and Seconded by Trustee Wolverton, That Trust Council assert the following: Statement of the Islands Trust: The Islands Trust area is a community in which Indigenous People were forcibly removed and disenfranchised from their village sites and gathering places, and the history of that legacy continues to this day, not only in the Trust area but throughout British Columbia and Canada. We ask that the Federal and Provincial Governments take steps to uphold the guiding principles of the United Nations Declaration on the Rights of Indigenous Peoples signed by the Government of Canada in 2010, and the Declaration on the Rights of Indigenous Peoples Act adopted by the Government of British Columbia in 2020. We ask the Governments to engage and work together to maintain and strengthen the relationship with Indigenous Peoples and we ask the Governments to look to the guiding principles of the Truth and Reconciliation Calls to Action 2012 and the Calls for Justice tabled by the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2019 as a way forward. The Islands Trust remains committed to strive toward relationships that are respectful of human rights, and human dignity, and the work of reconciliation, and acknowledges that Indigenous, Metis, and Inuit have lived on these lands since time immemorial. Trustees Critchley, Brent, Maude, Langerreis, Kaile, Thorn, Middleton and Wright Opposed			
2020-068	Carried	4.2.1 Prioritizing of the 2018-2022 Continuous Learning Plan - RFD	15-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Langerreis, THAT Islands Trust Council approve the delivery of a prioritized Continuous Learning Plan with respect to the report of Sept 15. Discussion included combining items 1 & 5 as suggested by SIPA Wilcox.			
2020-073	Carried	6.2.2 History, Heritage and Conservation Grants-in-Aid Policy - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Morrison, THAT Trust Council amend Policy 2.1.14 History, Heritage and Conservation Grants In-Aid dated March 13, 2018 with the revised Policy 2.1.14 History, Heritage and Conservation Grants In-Aid dated September 15, 2020 which is inclusive of First Nations history, heritage, objects and sites.			

2020-078	Carried	6.2.7 Changing Islands Trust Tagline - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Colbourne, That motion TC-2020-077 be tabled until tomorrow and seek advice from Senior Intergovernmental Policy Advisor Wilcox around the use of the term Salish Sea.			
2020-077	Rescinded	6.2.7 Changing Islands Trust Tagline - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Fast and Seconded by Trustee Fenton, THAT Trust Council direct staff to replace the tagline 'Preserving Island Communities, Culture and Environment' with 'Preserving and Protecting Over 450 Islands in the Salish Sea'. THIS MOTION WAS TABLED UNTIL LATER IN THE MEETING - not rescinded			
2020-089	Defeated	10.1 Disturbance of Cultural Heritage Sites and Ecosystems / Trustee Colbourne - RFD	16-Sep-2020
Resolution: It was Moved by Trustee Colbourne and Seconded by Trustee Peterson, THAT Islands Trust Council formally ask the Province of British Columbia to replace references to 'development' with 'disturbance' in legislation and processes related to local governments and municipalities. DEFEATED			
2020-105	Defeated	7.1.5 Policy Statement Amendment Project Update - Briefing	02-Dec-2020
Resolution: It was Moved by Trustee Wright and Seconded by Trustee Brent, That Trust Council defines the words 'unique amenities' to be inclusive of the environment and the cultural heritage of Indigenous Peoples within the Islands Trust Areas, and that these aspects are prioritized and protected. (this resolution was postponed to the March 2021 meeting as shown by the next resolutions)			
2020-114	Carried	9.2.4 Amendment to Strategic Plan for Heritage Preservation Overlay Mapping - RFD	02-Dec-2020
Resolution: It was Moved by Trustee Rogers and Seconded by Trustee Wolverton, That Trust Council amend the 2018-2022 Strategic Plan by adding new strategy '19.1 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites.' During debate, it was clarified that the resolution refers to First Nations heritage preservation.			

Trust Council - 2019

2019-017	Carried	4.3 Continuous Learning Plan - RFD	12-Mar-2019
Resolution: That Trust Council refer the Continuous Learning Plan to Executive Committee with the following recommendations from Trust Council for additions to the list for review, suggestions and refinement at next Trust Council; 1. Water Licensing Branch session, 2. Climate change related topics including enforcement, bylaw sharing associated with climate change, 3. Housing agreements and how they work, 4. First Nations relationship building, 5. Indigenous Law, 6. How we measure Preserve and Protect, 7. Engagement tools associated from IAP2, 8. Agency liaison such as Agricultural Land Commission, 9. Freedom of Information and Protection of Privacy Act (FOIPPA) session, 10. Business type training including Microsoft products.			



2019-039	Carried	12.4 Reconciliation Declaration - RFD	14-Mar-2019
Resolution: 1. That Trust Council make the following declaration regarding reconciliation: The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home. The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process. The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea. 2. That the Islands Trust Council request the Chair to write to First Nations in the Islands Trust Area to provide Trust Council's declaration regarding reconciliation.			

2019-040	Carried	12.6 Herring roe fishery advocacy (Trustees Busheikin & Critchley) - RFD	14-Mar-2019
Resolution: That Trust Council write a letter to Minister Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard, asking for a moratorium on the herring fishery in the Salish Sea until an ecosystem based management plan is in place that considers the current and future effects of climate change and the potential impacts on predator species, in particular, Chinook Salmon and Southern Resident Killer Whales; and that Bowen Island Municipality and First Nations in the Trust Area be invited to participate as signatories to this letter.			

Executive Committee - 2020

2020-030	Carried	6.1.12.4 Gulf Island Frontlines - The Way Forward in a time of Reconciliation - requesting support for a resolution	26-Feb-2020
Resolution: That Executive Committee request staff include the solidarity statement, as presented by Senior Intergovernmental Policy Advisor Wilcox at today's meeting, in the Trust Council agenda package.			

2020-032	Carried	7.1.2.2 History and Heritage Grant Application - RFD	26-Feb-2020
Resolution: That Executive Committee authorize a grant of \$4,500 to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees.			

2020-037	Carried	6.2 History and Heritage Grant - change to islands	10-Mar-2020
Resolution: That Executive Committee direct staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to an event on Salt Spring Island.			

2020-081	Carried	7.1.3.2 Crown Land Referrals and Reconciliation - Briefing	08-Jul-2020
Resolution: that the Executive Committee request a meeting with the Minister with specific concerns around Crown land issues and First Nations reconciliation, and the role of cooperation with Provincial agencies in building relationships and trust with First Nations in the Islands Trust area.			

2020-084	Carried	9.5 UBCM - The Compass dated June 17, 2020	08-Jul-2020
Resolution: that the Executive Committee request a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting.			

2020-095	Carried	8.2.2.1 Missing and Murdered Indigenous Woman and Girls Calls for Justice - Briefing	05-Aug-2020
Resolution: The Executive Committee request staff to provide a Learning at Home series on the one year anniversary on the Calls for Justice report.			

2020-104	Carried	7.1.3.1 Islands Trust Sign for Bowen Island - RFD	02-Sep-2020
Resolution: That the Executive Committee approves the design of the Islands Trust sign for Bowen Island, as presented on September 2, 2020.			
2020-117	Carried	7.1.1.1 Executive Committee Budget Request for FY2021/22 - RFD	30-Sep-2020
Resolution: That the Executive Committee request staff to draft an amendment to the Strategic Plan regarding development of heritage overlay mapping and development of model bylaws.			
2020-143	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that staff plan education on the Murdered and Missing Indigenous Women and Girls Calls for Justice for trustees and senior staff.			
2020-142	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that all staff be required to take training related to cultural safety in keeping with Murdered and Missing Indigenous Women and Girls Calls for Justice.			
2020-145	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request staff to include information about the Murdered and Missing Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.			
2020-147	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request the Chair to write to the Union of British Columbia Municipalities Executive to report on actions taken by Islands Trust in response to the UBCM recommendation to its members that they consider the Missing and Murdered Indigenous Women and Girls Calls for Justice.			
2020-146	Carried	7.2.4.3 MMIWG Calls for Justice Recommendations - RFD	21-Oct-2020
Resolution: That the Executive Committee request that staff draft amendments to the Communications Policy and the Advocacy Policy to address the Murdered and Missing Indigenous Women and Girls Calls for Justice.			
2020-153	Carried	5.1 Mayne Island LTC Bylaw No. 180 (LUB Amendment)	18-Nov-2020
Resolution: That Executive Committee return the Mayne Island Local Trust Committee Bylaw No. 180, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020' for referral to First Nations inconsideration of Trust Council's reconciliation policies.			

Trust Programs Committee - 2020

2020-009	Carried	8.1 Cultural Heritage Resources	10-Feb-2020
Resolution: That Trust Programs Committee request that Local Planning Committee consider options for protecting cultural heritage resources, in the short term, due to the extended timeline of the Policy Statement Amendment Project.			

2020-015	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee forward the Trust Policy Statement analysis documents, including the 2011 report, and the briefing slides presentation, plus the UNDRIP report, to Trust Council for information.			
2020-017	Defeated	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee create three working groups around sections three, four, & five of the existing Trust Policy Statement and reconciliation.			
2020-016	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee request staff to provide an interim briefing on First Nation engagement of the Policy Statement Review.			
2020-018	Carried	6.2 Integration of UNDRIP into Policy Statement	22-May-2020
Resolution: that Trust Programs Committee create three working groups around the following lenses: reconciliation, climate change, and affordable housing, within the Trust Policy Statement. The three working groups are as follows: Reconciliation: Trustees Colbourne, Fenton, McConchie, and Peterson. Climate Change: Trustees Fenton, Langereis, and Morrison. Affordable Housing: Trustees Colbourne, Critchley, Luckham and Rogers.			
2020-029	Carried	6.2 Policy Statement Amendment Project Working Groups	23-Jun-2020
Resolution: that Trust Programs Committee approve the guidelines, as amended, for the Policy Statement Amendment Project Working Groups established in the areas of Reconciliation, Climate Change and Affordable Housing.			
2020-031	Rescinded	5.1 Policy Statement Amendment Project Update - Briefing	13-Aug-2020
Resolution: That the Trust Programs Committee forward this question for consideration by Trust Council: 'What legislative gaps exist for the Islands Trust to carry out its mandate and commitments to reconciliation?			
2020-033	Carried	5.2 History, Heritage and Conservation Grants-in-Aid Policy - RFD	13-Aug-2020
Resolution: That the Trust Programs Committee forward the Request for Decision regarding the History, Heritage and Conservation Grants-In-Aid policy to Trust Council, as amended.			
2020-065	Carried	7.1 Ministry of Transportation and Infrastructure (MOTI) Road Standards - Briefing	05-Nov-2020
Resolution: that Trust Programs Committee request staff to investigate options for a joint review with the Ministry of Transportation and Infrastructure of road standards, incorporating the Climate Change Declaration and the Reconciliation Declaration, and report back to Trust Programs Committee			
2020-067	Carried	that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.	05-Nov-2020
Resolution: that Trust Programs Committee recommend to Executive Committee that they undertake an extension to the climate change speaker series with an Indigenous perspective.			

Trust Programs Committee - 2019

2019-012	Carried	8.3.1 Saturnina Foundation Funding Request for Support for First Nations	30-Jan-2019
Resolution: That the Executive Committee authorize a grant of \$500 to the Saturnina Foundation in support of the application to hold an event with First Nations on Saturna Island celebrating the new Sencoten Dictionary.			
2019-028	Carried	6.4.5 Reconciliation Declaration - RFD	27-Feb-2019
Resolution: That the Executive Committee support Chief Administrative Officer Hotsenpiller in the recommendation that the Indigenous Peoples binders received at January Trust Council not be disseminated but used as a reference tool at this time.			
2019-035	Carried	3.3.8 Potential Protocol Agreement Halalt First Nation dated March 8, 2019	12-Mar-2019
Resolution: That the Executive Committee request staff work with Halalt First Nations staff to bring forward a draft protocol agreement for consideration.			
2019-036	Carried	4.1 Vice Chair Rogers to attend Squamish Nation Leadership Forum for Chair Luckham	12-Mar-2019
Resolution: That Vice Chair Rogers be appointed Islands Trust Council representative on behalf of the Chair for meeting with Squamish Nation on April 8th.			
2019-052	Carried	7.1.2.2 2018/19 Annual Report - RFD	17-Apr-2019
Resolution: That the Executive Committee request staff amend the format and outline of contents for the 2018/19 Annual Report to add a section on First Nations and Reconciliation and that the format and outline of contents be approved as amended.			
2019-062	Carried	6.4.2 Reconciliation Action Plan - RFD	08-May-2019
Resolution: That the Executive Committee endorse the draft Islands Trust Reconciliation Action Plan and refer the plan to Trust Programs Committee, Local Planning Committee and Islands Trust Conservancy Board for review and comment.			
2019-106	Carried	11.6 Letter from FNLC to the Islands Trust Council regarding the Climate Change Emergency Declaration	03-Jul-2019
Resolution: That the Letter from First Nations Leadership Council to the Islands Trust Council regarding the Climate Change Emergency Declaration be referred to staff for recommendation for a response and be drafted under the signature of the Chair.			
2019-114	Carried	7.1.2.2 Expressions of interest for participation in a Cultural Working Group - RFD	24-Jul-2019
Resolution: That the Executive Committee direct staff to request expressions of interest from staff and trustees for participation in a Cultural Working Group, as outlined in the Reconciliation Action Plan 2019-2022 Item 7, and return to the Executive Committee with recommendations on membership and reporting requirements.			
2019-145	Carried	7.1.2.1 Cultural Working Group membership - RFD	04-Sep-2019
Resolution: That the Executive Committee approve the creation of a Wa lhtiá,éĀi (Culture) Working Group and that the group be comprised of the 15 people who responded to a request for an expression of interest as well as the Chair of Trust Council and the Chief Administrative Officer as ad hoc participants.			



2019-155	Carried	Bowen Island Municipal Council	02-Oct-2019
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Resolution:

that staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.

January 21, 2021 – for immediate release

2021-02-IT

Islands Trust actively promotes regional collaboration

Lək̓ʷəŋən, METULIYE/Victoria, B.C. – Islands Trust Council has launched a new program to promote regional cooperation and collaboration in the Islands Trust Area, the region between the British Columbia Mainland and southern Vancouver Island. Through the new program, the Islands Trust is formalizing its commitment to provide administrative support to coordination groups comprised of First Nations, organizations and/or stakeholders that meet to share information and collaborate, or to determine, implement or carry out First Nation, regional district, improvement district, or government of British Columbia policies in the Trust Area.

The Islands Trust is mandated through the provincial Islands Trust Act to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” In response to a desire to more actively promote inter-jurisdictional relationship-building and dialogue, Trust Council has allocated budget and staff time to support the administrative needs of cooperation groups and has adopted a new [Secretariat Services policy](#).

“The Islands Trust Policy Statement, approved by the Minister of Municipal Affairs, describes that cooperative actions are required of other agencies, organizations, and individuals to ensure that activities in the Trust Area are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and communities,” said Peter Luckham, Islands Trust Council Chair. “With the many challenges facing the region, it has never been more important to help people and governments come together regularly to coordinate their efforts to preserve and protect the Trust Area and to build the relationships needed to address the opportunities of the future.”

Quick Facts

Secretariat services includes professional services such as administrative support, meeting organization, meeting administration, public notices, recording and distribution of meeting notes or minutes, and website hosting and updating.

The Trust Programs Committee has approved secretariat support to the following coordination groups:

2020/21

- \$5,000 plus staff time and resources – Baynes Sound Lambert Channel Ecosystem Forum
- \$3,800 – to support the Howe Sound (Atl'ka7tsem) Community Forum
- \$3,000 – to start the Southern Gulf Islands Regional Forum
- \$800 – to support the Coastal Douglas-fir Conservation Partnership

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

2019/20

- \$2,900 – to support the Baynes Sound Lambert Channel Ecosystem Forum
- \$3,000 – to support the Howe Sound (Atl'ka7tsem) Community Forum and related task forces

2018/19

- \$6,000 plus staff time and resources – to start the Baynes Sound Lambert Channel Ecosystem Forum

- 30 -

The Islands Trust is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and another 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

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