

Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: December 10, 2021
 Time: 10:30 am
 Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

		Pages
1.	CALL TO ORDER	10:30 AM - 10:35 AM
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2.	APPROVAL OF AGENDA	
3.	RISE AND REPORT - IN CAMERA MEETING OCTOBER 8, 2021	
4.	REPORTS	10:35 AM - 11:00 AM
4.1.	Trustee Reports	
4.2.	Chair's Report	
4.3.	Electoral Area Director's Report	
5.	TOWN HALL	11:00 AM - 11:10 AM
6.	DELEGATIONS	11:10 AM - 11:30 AM
6.1.	Advisory Planning Commission - Wendy Burton, Chair - Official Community Plan (OCP) Language Change Recommendations	4 - 50
6.2.	Hornby Island Residents' and Ratepayers' Association (HIRRA) Regarding Establishment of a Hornby Community Heritage Register	
6.2.1.	<u>Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association</u>	51 - 52
7.	MINUTES	11:30 AM - 11:35 AM
7.1.	Local Trust Committee Minutes dated October 8, 2021 - for adoption	53 - 63
7.2.	Local Trust Committee Public Hearing Record dated October 8, 2021 - for receipt	64 - 65

7.3.	Section 26 Resolutions-without-meeting Report dated November 26, 2021	66 - 66
7.4.	Advisory Planning Commission Minutes dated September 24, 2021 - for receipt	67 - 68
7.5.	Advisory Planning Commission Minutes dated October 29, 2021 - for receipt	69 - 71
8.	BUSINESS ARISING FROM MINUTES	11:35 AM - 11:45 AM
8.1.	Follow-up Action List Report dated December 1, 2021	72 - 74
	----BREAK 11:45 AM to 12:15 PM----	
9.	APPLICATIONS AND REFERRALS	12:15 PM - 1:15 PM
9.1.	HO-SUB-2020.2 (Gutstein and Burrows 1410 Carmichael Rd.) - 10% Frontage Waiver - Staff Report - for decision	75 - 82
9.2.	HO-SUB-2021.1 (Wetzel (Patterson) - 2025 Belcarra Rd.) - 10% Frontage Waiver - Staff Report for decision	83 - 90
9.3.	HO-DVP-2021.3 (Wall and Bixby -9300 Central Road) - Staff Report for decision	91 - 116
9.4.	HO-DVP-2021.2 - (Wiig - 3930 Brigantine Cres.) - Staff Report for decision	117 - 127
10.	LOCAL TRUST COMMITTEE PROJECTS	1:15 PM - 1:35 PM
10.1.	Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project Business Case - Staff Report for decision	128 - 132
11.	CORRESPONDENCE	1:35 PM - 1:40 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.1.	Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay	133 - 133
12.	NEW BUSINESS	1:40 PM - 2:25 PM
12.1.	2022 Annual Meeting Schedule - for decision and discussion	134 - 135
12.2.	Advisory Planning Commission - Terms Expiring March 31, 2022 - Staff Report for decision	136 - 140
12.3.	Ability of Advisory Planning Commission or Working Group to Present as a Delegation - for discussion	
12.4.	Screening of Dust 'n Bones - for discussion	
12.5.	<i>Hornby Venues and Connectivity</i>	

13.	REPORTS	2:25 PM - 2:35 PM
13.1.	Trust Conservancy Report dated November, 2021	141 - 142
13.1.1.	<u>The Heron - Autumn, 2021</u>	143 - 146
13.2.	Applications Report dated December 1, 2021	147 - 153
13.3.	Trustee and Local Expense Report dated October, 2021	154 - 154
13.4.	Adopted Policies and Standing Resolutions	155 - 159
13.5.	Local Trust Committee Webpage	
14.	WORK PROGRAM	2:35 PM - 2:45 PM
14.1.	Top Priorities Report dated December 1, 2021	160 - 161
14.2.	Projects List Report dated December 1, 2021	162 - 164
15.	INFORMATION ITEMS - None	
16.	CLOSED MEETING - None	
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting - to be determined	
18.	ADJOURNMENT	2:45 PM - 2:45 PM



Islands Trust

HORNBY ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 149, 2014

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: August 2016

This Bylaw is consolidated for convenience only and is not to be construed
as a legal document.

For reference to original bylaw and amendments, please
contact:

Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following text amendments only:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 151	Amendment No. 1	June 10, 2016

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 149**

**A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR THE HORNBY ISLAND LOCAL
TRUST AREA**

The Hornby Island Local Trust Committee, being 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 adopt an Official Community Plan,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

This Bylaw may be cited as the "Hornby Island Official Community Plan Bylaw No. 149, 2014".

2. APPLICATION

This Bylaw applies to:

Hornby Island,
Toby Island,
Flora Islet,
Norrie Rocks,

and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two islands as shown on Schedule B.

3. ORGANIZATION

The following schedules attached to and forming part of this Bylaw, are adopted as "Hornby Island Official Community Plan Bylaw 149, 2014":

Schedule A:	Bylaw Text
Schedule B:	Land Use Designations Map
Schedule C:	Land Status and Road Designations Map
Schedule D1:	Environmentally Sensitive Areas (Sensitive Ecosystem Inventory) Map
Schedule D2:	Environmentally Sensitive Areas Map
Schedule E:	Development Permit Areas Map
Schedule F:	Hazardous Areas Map
Schedule G:	List of Community References

4. REPEAL

"Hornby Island Official Community Plan Bylaw No. 104, 2002" is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS 25TH DAY OF APRIL , 2014

PUBLIC HEARING HELD THIS 11TH DAY OF JULY , 2014

SECOND PUBLIC HEARING HELD THIS 9TH DAY OF SEPTEMBER , 2014

SECOND READING THIS 17TH DAY OF JULY , 2015

READ A THIRD TIME THIS 14TH DAY OF AUGUST , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

8TH DAY OF OCTOBER , 2015

APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS

14TH DAY OF JANUARY , 2016

ADOPTED THIS 27TH DAY OF JANUARY , 2016

SECRETARY

CHAIRPERSON

SCHEDULE A HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I— BACKGROUND

1.1 Context and Interpretation

1.1 ACKNOWLEDGMENT (new) Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lek'enen, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθen məstəyex', Scle'new, selliw' etəʔi, SEMYOME, shíshálh, Sḱwxwú7mesh, Sḱaw_ -naw-as, Snuneymuxw, Spune'luxuth, STÁUTW, Stz'uminus, taʔəmen, toq qaymuk', Ts'uubaa-asatx, Wel Wal Kum, We Wal Kel, WJOŁŁP, WSIKEM, Xeláibkw, Xwəmalhkwuʔop qaymuk', and x'məθk'wəyé m (collectively referred to hereinafter as 'First Nations'). Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

This plan is an update to the Hornby Island Official Community Plan Bylaw No. 104, 2002 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use* with a focus on housing and the economy and amendments are incorporated into this plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.

The Plan update distinguishes between "Policies" and "Advocacy Policies". "Policies" are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

Properties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B to this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term "Information Note" is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

1.2 Purpose

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island

Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Trust Policy Statement. In the case of Official Community Plans, approval by the Minister of Community, Sport and Cultural Development is also required before adoption by the Local Trust Committee.

The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which is:

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance.

Perhaps the phrase "a people without a history can have no vision for the future," was an attitude of European settlers in the 1800s on Hornby Island and elsewhere around the Salish Sea. That recent history on Hornby is in the remnants of snake fences and derelict orchards of settlers. However, the present population is standing on a much longer history found in the blackened shell-flecked soil in shoreline middens, in uplands pits for preparation of food or shelter, further inland in trees modified for cedar bark for clothing, baskets and nets, and in the oral history of plants and shrubs from which the first people take their sustenance. That long oral history covers thousands of years of the use and occupation of Hornby Island before contact.

Deleted: . It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the island rests.

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestone. On reaching the latitude of present-day Mexico, about one hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the island's sedimentary rock, the pebbles in the conglomerate and the

eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the island gathering the island's bounty and fishing from its shores.

During the 1860's Hornby Island was virtually empty of people, as a result of the devastating small pox epidemic of 1862. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby Island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.

The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century Hornby had become a fairly prosperous farming community, although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.

Hornby Island, like all islands, promised a dream. The island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the island were made up of fishermen, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. In 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaws Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be

again. It has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.

1.6 Socio-economics of Hornby Island

A permanent population of 958 persons in 2011 represents a population decrease of 10.8% since 2001. The population is generally aging with a median age of 58 years. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The Hornby Island Community Profile (March 2010) provides more detailed information.

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the 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 the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

Based on that mandate, the objectives of the Hornby Island Community Plan are somewhat complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at scale that does not overburden the limited resources of the island or its residents.

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole island and on the associated needs of future generations.

Hornby Island offers unusual scenic beauty, sandy beaches, interesting geologic formations, clean air, a gentle climate and a community that has a rural lifestyle. The relative isolation of the island has contributed to the self-sufficient character of the community. However, the increasing urban density of the lower mainland and eastern Vancouver Island makes the island attractive to thousands of visitors whose demand for use of the island threatens the very qualities that make the island special.

It is recognized that human settlement on Hornby Island is constrained by the Island's size and its limited supply of fresh water. The fragility of its natural environment constitutes another less obvious and less widely understood constraint to development and use by visitors. Hornby Island offers many outstanding natural and historic features valued today by residents and visitors alike. If these features are to be enjoyed tomorrow, they must be protected today. It is only through community concern and understanding along with a sense of stewardship and responsibility that the Island will be effectively protected and preserved. This Plan presents a well-defined community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

These general objectives express the basic values held by the people of Hornby Island:

1. To ensure that all human activities on the Island respect the natural environment and preserve the fragile ecosystems.
2. To ensure the quality and quantity of the groundwater is not compromised through human activities.
3. To maintain a rural community that is safe, creative, self-reliant and diverse.
4. To develop and support the Official Community Plan to guide the actions and decisions of residents, visitors and all levels of government with respect to Hornby Island.

From these general values, the Official Community Plan gives detailed objectives and policies to ensure that changes are suitable in the long term and have broad community support.

Since the original preparation of this Plan the Hornby community has also developed a collective vision titled the "*Ideal Hornby Island in the year 2020*" that is contained in the *Hornby Island Community Profile*. (listed in Schedule G). This statement of vision transcends land use planning and encompasses the broader vision of a community that is invaluable as a reference as decisions are made. The community vision statements can provide a useful reference in amplifying the meaning behind the principles, objectives and policies of this plan.

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

- a) areas of natural, scenic, historical, archaeological (including areas of First Nations significance) or scientific value,
- b) watershed and groundwater recharge areas,
- c) public land and parks,
- d) areas of significant vegetation, the forests, the wildlife and their habitat,
- e) land with agricultural potential,
- f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
- g) water courses and riparian areas.

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

To minimize pollution of air and water.

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

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public, and when applicable, of K'omoks First Nation in local government decisions and in the management of Provincial resources by appropriate agencies, including relevant Indigenous communities.

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To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To ensure a relationship with First Nations with interests in Hornby and the surrounding waters.

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To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

The importance of preserving the sensitive ecosystems of the Island and the need to protect the groundwater resource were recurrent themes during the public review of the Community Plan.

Sensitive Ecosystems and Biodiversity

Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Sensitive ecosystems are considered sensitive because of their rarity and their fragility to disturbance. The protection of sensitive ecosystems is important to maintain biodiversity. Hornby Island has 573.7 hectares of sensitive ecosystems covering 19.2% of the Island. However, the Island has the second highest percentage of land in the Trust Area (29%) converted to human use. Garry oak woodlands, herbaceous areas, mature forest stands, cliffs and wetlands provide habitat for a variety of plants and animals, including about a dozen species at risk.

The Islands Trust has used various types of ecosystem mapping for planning and conservation purposes since its inception. Early sources of information were compiled from various studies while more recent efforts focused on development of ecosystem mapping products. The most recent mapping included:

ITEM – Islands Trust Ecosystem Mapping – This mapping was captured from 2000 and 2002 digital orthophotos. There was no groundtruthing and ecosystem features were representative of a bird's eye view of the landscape.

SEI – Sensitive Ecosystem Inventory – This was a joint initiative between the Federal and Provincial Governments to map rare and fragile ecosystems. Information was derived from aerial photos produced in the early 1990s, supported by selective field checking. An audit, done in 2004 using 2002 orthophotos, outlined the loss of sensitive ecosystems that had occurred in the 10 year time span.

SEM- Hornby Island Sensitive Ecosystem Mapping, 2010 - This is the latest initiative and is based upon 2001 aerial photography and recent selective groundtruthing. It is similar to SEI mapping and is based upon Terrestrial Ecosystem Mapping (TEM). It identifies areas which are fragile and/or rare because of diversity of species they support. They are deemed sensitive as they are easily impacted by human activities. The inventory includes old forest, woodland, herbaceous, wetland, cliff, freshwater as sensitive ecosystems; mature forest as a rare ecosystem and young forest, seasonally flooded agricultural fields and non-sensitive areas as other mapped ecosystems. Mapping of mature forest ecosystems, freshwater and wet forest ecosystems and dry soil ecosystems has also been developed based upon the sensitive ecosystem mapping to facilitate analysis.

Other ecosystem resources are listed in Schedule G – List of Community References.

About 25% of Hornby Island is preserved by provincial and regional parks and another 9% is Crown land managed to protect groundwater recharge. The remaining 66% of the Island is divided between Agricultural Land Reserve (28%), large lot residential (30%) and small lot residential, commercial activity and community service use (8%).

Achieving sustainable biodiversity throughout the Island will require stewardship on the part of landowners based upon having knowledge of the ecosystems and understanding of their importance. Land Use regulations and the establishment of Development Permit Areas can play a role in protecting key features.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the

rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

- (1) to preserve the natural ecosystems and biodiversity of the island, and
- (2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity 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, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Homby Island:

- i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
- ii) conserving relatively undisturbed natural areas;
- iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
- iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
- v) securing connectivity between natural areas whenever the opportunity arises; vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and

preventing the spread of invasive species, and

viii Protecting culturally relevant Indigenous artifacts

Deleted: .vii)

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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 Homby Island:

- i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- 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;
- iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and

- iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the island and senior levels government with jurisdiction over resources on the island to adopt the same commitment. There are currently no active mineral claims on the island and any future development of metal or coal mines on the island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to encourage senior governments to preserve and protect the environment;
- (2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and
- (3) to ensure that permitted land uses do not threaten the sensitive environment of the island and its native biological diversity and
- (4) to preserve signs of Indigenous occupation, such as middens, culturally modified trees, clam beds and gardens and fish traps.

Advocacy Policies:

- 3.1.1 A moratorium on oil and gas exploration in the Trust area is supported.
- 3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire island against exploration for mineral or petroleum resources.
- 3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the island.
- 3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.
- 3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).

- 3.1.6 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.
- 3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following;
- a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;
 - b) an effective unsightly premise bylaw; and
 - c) the "dark skies" in rural areas lighting standards.
- 3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.
- 3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply, to preserve native biological diversity, and to acknowledge we are living and working on traditional Indigenous lands.
- 3.1.10 All owners and land users are encouraged to comply with the "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.
- 3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.
- 3.1.12 Programs to control the population of opossums are supported.
- 3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.
- 3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to Indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.

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3.2 Environmentally Sensitive Areas

Background:

Hornby Island has a diverse and fragile ecology with many significant natural features. The climate and soil conditions combine to allow diverse wildflower colonies, bird habitats, and Garry oak groves. The naturally eroded sandstone and conglomerate bluffs along much of the shoreline provide habitat for birds, wildflowers and rare plant species.

The Sensitive Ecosystem Mapping (SEM) completed by the Islands Trust in 2010 provides the most complete and up to date inventory of information on terrestrial based ecosystems. This mapping together with an updated Islands Trust Regional Conservation Plan will assist the Local Trust Committee in its decision making and in the development of land use, subdivision and development permit regulations as such programs develop.

Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy for reference. .

The Islands Trust Regional Conservation Plan identified the following Sensitive Ecosystems and their distribution on Hornby Island:

Sensitive Ecosystems (August, 2010):

Sensitive Ecosystem	Area (ha)	Portion of Local Trust Area (%)
Cliff	26.6	0.9
Freshwater	1.2	<0.1
Herbaceous	47.5	1.6
Mature Forest	179.6	6.0
Old Forest	0	0
Riparian	0	0
Woodland	62.8	2.1
Wetland	256.1	8.6
TOTAL	673.7	19.2

Protected areas identified in the Regional Conservation Plan were listed as follows:

Protected Area Distribution (November, 2010):

Type of Protected Area	Area (hectares)	Area as % of Local Trust Area
Conservation Covenant (Conservancy held)	3.9	0.1
Ecological Reserve	0	0
Nature Reserve	0	0
Park – Municipal	0	0
Park – Community	6.7	0.2
Park – Provincial	333.9	11.2
Park – Regional	335.6	11.2
TOTAL	680.1	22.7

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010):

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcornflower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010):

The Hornby Island Local Trust Area is located in the Coastal Douglas-fir Zone. No Old Forest ecosystems were found in the 2008 Terrestrial Ecosystem Mapping (TEM) of the local trust area used for this report, however, 2001 TEM of Helliwell Provincial Park does indicate some small old growth patches. The mapping for Helliwell Park is currently being reviewed and will be updated accordingly. The breakdown of forests by

age class is as follows (note: this includes woodland sensitive ecosystems, so percentages will vary from the sensitive ecosystems section above):

Forest Type	AREA (ha)	AREA (%)
Pole/Sapling Forest (<40 yrs.)	368.65	7.3%
Young Forest(40-80 yrs.)	1508.72	29.8%
Mature Forest (80-250 yrs.)	255.62	5.1%

N.B. See note above regarding Old Forest (>250 yrs).

Marine Ecosystems (September, 2010):

Hornby Island Local Trust Area has two submerged provincial marine parks and two Rock Fish Conservation Areas in its local trust area waters.

Type of Marine Protection	Name of Area	Area (hectares)
Provincial Park	Helliwell	2,798.6
	Tribune Bay	27.0
Rock Fish Conservation Area	Savoie Rocks – Maude Reef	174.4
	Ajax/Achilles Bank	1,622.5
TOTAL		4,660.4

Modified Ecosystems (August, 2010):

Type of Modification	Area (ha)	Portion of Local Trust Area (%)
Cultivated Field	287.6	9.6
Rural	421.7	14.1
Urban	51.0	1.7
Road	108.8	3.6
TOTAL	869.1	29.0

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in the Islands Trust Fund Regional Conservation Plan. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses and Indigenous artifacts, petroglyphs, middens, and culturally modified trees may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts."

A Nature Conservancy of Canada Study of the Islands Trust area, completed in 1995, classified about three quarters of the shoreline and associated beaches as containing moderate to high natural feature value for wildlife, marine and aesthetic features.

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features:

- a) Important Terrestrial Habitat:
 - i) cormorant nesting area on the bluffs of Hellwell Park,
 - ii) heron rookery at Tralee Point and other current or potential heron nesting areas,
 - iii) eagle, osprey and peregrine falcon nesting locations,
 - iv) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs,
 - v) old growth trees and large snags (providing habitat for a variety of species) throughout the island,
 - vi) wetlands and ponds throughout the island providing important habitat, vii) Beulah Creek (salmon habitat), its riparian corridor and feeder creeks, viii) Ford Creek (fish bearing), its riparian corridor and feeder creeks,
 - ix) meadows in the south western part of Hellwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly, and
 - x) buildings providing established habitat for Townsends big-eared bat;
- b) Important Marine Habitat:
 - i) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase, ii) saltwater marsh north of Texada Road providing valuable waterfowl habitat, iii) Norris Rocks and rocks near Flora Islet where sea lions haul out, iv) Islets and rocks around the island where sea birds nest or gather,
 - v) Whaling Station Bay and other bays around the island providing waterfowl habitat,
 - vi) the area of the underwater wall by Flora Islet providing habitat for many marine species and frequented by six-gilled sharks,
 - vii) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species, and viii) areas of marine vegetation important for herring spawning.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value;
- (2) to ensure protection of sources of fresh water and groundwater recharge areas;
- (3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems; and
- (4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.

3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.

- 3.2.3 In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.
- 3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.
- 3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.
- 3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.
- 3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.
- 3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies

- 3.2.9 Where significant ecological, natural or historical areas reflecting Indigenous or Settler occupation or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.
- 3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are encouraged.
- 3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas and areas where Indigenous land use is evident or suspected on private land are encouraged.
- 3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.

Policies relating to protection of the marine environment are included in subsection 3.6 Marine Conservation.

3.3 Parks and Protected Areas

Background:

The natural features of the Island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks. There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks and a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoka Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoka First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoka.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high natural values and together contain a representative cross-section of the Island's ecological systems thereby offering valuable educational potential. Apart from Tribune Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Helliwell, established in 1986, Tribune Bay, established in 1978 and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Helliwell Park area by Indigenous peoples, including cultivated camas beds, middens, prescribed burns and culturally modified trees. All of the parks are designated 'Class A' Parks under the *Park Act*. Helliwell Park contains a 69 hectare (173 acre) terrestrial component on the peninsula culminating in St. John's Point and a 2803 hectare (7008 acre) marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

The "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997" records the following sensitive ecosystems within Helliwell Park: Terrestrial herbaceous, Woodland, Wetland, Older Forest, as well as areas of Second Growth Forest with general bio-diversity values. Flora Islet is almost entirely covered with a sensitive terrestrial herbaceous ecosystem. Threatened vascular plants (red and blue listed by the BC Conservation Data Centre) have been recorded within the Park. The cliffs provide important nesting habitat for cormorants. Norris Rocks and the rocks adjacent to Flora Islet are important haul-outs for large numbers of Stellar and California sea lions resident during the winter. A significant population of Harlequin ducks is present in the inshore areas.

The underwater component of Helliwell Park provides habitat for a rich variety of marine species. The main feature is the rock wall adjacent to Flora Islet near where six gilled sharks are regularly observed at unusually shallow depths. The primary attractions of the terrestrial component of Helliwell Park are the spectacular bluffs topped by open meadow areas, the older forest (including particularly large examples of Douglas-Fir and arbutus) and the opportunities to observe wildlife and flowers in bloom. The primary attractions of the marine component are recreational diving to view the rich underwater ecosystem, kayaking and sports fishing areas. There are commercial fisheries in and/or immediately adjacent to the Park area.

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The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999 a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in practical and educational conservation measures. In 2000, BC Parks initiated the Helliwell Ecosystem-based Planning Project.

Tribune Bay Park covers 96 hectares (240 acres), of which 23 hectares (58 acres) are foreshore of Big

Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 167 hectares (462 acres) and offers both historic values associated with the Leaf House and the Ford Family farmstead and together with the Mount Geoffrey Regional Nature Park, covers approximately 25% of the Island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

The Mount Geoffrey Regional Nature Park which is now 333 hectares (826 acres) in area was established by the Comox Valley Regional District on 303 hectares (756 acres) of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated (along the edge of the escarpment) - which have been identified in the "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997". Most of the park's vegetation is second growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

The main attractions of the Park are the spectacular viewing opportunities from the edge of the Mount Geoffrey escarpment, the well-developed trail systems for hiking and mountain-biking and the older (and moister) forest ecosystem below the escarpment. The Comox Valley Regional District has adopted a Management Plan, developed with much community involvement; management is carried out through a contract with the Homby Island Residents' and Ratepayers' Association.

Small Regional Parks exist near Tralee Point, near the top of Mount Road, at the end of Arthurs Road and adjacent to Helliwell Park. There are about 30 water access parcels under the Ministry of Transportation and Infrastructure jurisdiction and six or more other unused road dedications that are or could be utilized as trails or retained as undeveloped green space.

Area

All areas within the Homby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;
- (2) to allow for recreational and educational opportunities, including interpretive signage regarding Indigenous presence, for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;
- (3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the Island; and
- (4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.

3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

- a) land that is shown on Schedule B as park, groundwater or ecological reserve (GWEPA & GW/GP) for existing areas;
- b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;
- c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;
- d) land that provides access to the ocean;
- e) land that provides low impact recreational opportunities for the community and visitors;
- f) areas of undeveloped lands;
- g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;
- h) designated water access as parkland; and
- i) land that provides habitat connectivity

3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.

3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.

3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.

3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.

3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.

3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies

3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.10 The Ministry of Environment is requested to:

- a) maintain the natural values and not permit development, other than those required for public health and education in Hellwell and Tribune Bay Provincial Parks;
- b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, Indigenous historical impacts, aesthetics and safety concerns;
- c) involve the community in stewardship programs with respect to the parks;

- d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and
- e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

3.3.11 The Comox Valley Regional District is requested to:

- a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;
- b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Homby; and
- c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:

- a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Homby Island;
- b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;
- c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and
- d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.

3.3.14 The Ministry of Environment is requested to work with the federal government and the Canadian Coastguard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.

3.3.15 The Ministry of Environment and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.

3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems, habitats and culturally modified trees.

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3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.

3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.

3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well users(s) for their continued use and maintenance of the well.

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)

Background:

This forested upland area at the centre of the Island has been identified by BC Environment as an important natural groundwater storage and catchment area providing groundwater recharge to wells in highly settled lowland areas. "A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island" (1994) carried out by BC Environment recommends that this land should be protected as a community watershed area to ensure preservation of the quantity and quality of groundwater on Hornby Island. In 1994, the Water Management Division established a Notation of Interest over this parcel to record its interest in the area due to its importance for protection of the groundwater resource.

The Final Report of the Hornby Island Groundwater Pilot Project (1994) recorded inter-agency agreement that "the Crown land parcel be considered a watershed reserve" and stated that "once more detail and definition of the groundwater catchment area becomes available, and a suitable legislative vehicle is found which can provide for protection of the land to ensure unchanged water quality and quantity, then another tenure can be considered by the community and agencies involved."

As immediate protection, The Water Management Division established a Notation of Interest (1994) over this parcel. A recommendation of "Water Stewardship and Wastewater Management on Hornby Island (2000)", a report prepared by Royal Roads University, includes the recommendation to "pursue legal protection of the crown lands as a groundwater recharge area".

The forest cover has been subject to severe unnatural disturbance through logging and fire from the latter part of the 19th century until the mid-20th century. The forest (classified as Coastal Douglas-Fir Moist Maritime) is now in various stages of recovery but contains scattered veteran Douglas-Firs and cedars. The "Hornby Island Sensitive Ecosystem Mapping (2010)" records areas of "old forest" - forest ecosystems with an average age of 250 years or greater and "mature forest" -- forest ecosystems with an average age of 80 years or greater within this parcel. (Older Coastal Douglas-fir forests in the region now account for only 4% of the area they occupied 150 years ago).

A report by Triton Environmental Consultants entitled "*Ecological Inventory of Proposed Woodlot #0032*" (1998) commissioned by the Ministry of Environment states that "old growth attributes (stand, structure, species composition, soil characteristics) should be enhanced or maintained as they have the potential to sustain representative features as stands develop". The report contains recommendations to protect or enhance wildlife and bio-diversity and to manage recreational impacts values. This preliminary survey indicates the need for a more thorough ecological inventory. Detailed accurate mapping by the Hornby Island Residents and Ratepayers Association and a preliminary ecological survey by Cascadia Resource Consultants (2000) constitutes a beginning of this work.

In coordination with Comox Valley Regional District and the Ministry of Forests and Range, the local community has instituted forest fighting and prevention programs. The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk.

The Island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. At one time, a beaver dam established a large wetland or lake in Strachan Valley; however the dam is now abandoned. The Strachan Valley area contains a number of small wetlands and seasonal and ephemeral streams.

The area has long been valued for its recreational attributes and was previously designated by map reserve for the Use, Recreation and Enjoyment of the Public. Former logging roads have been maintained as trails

by residents and are well used by walkers, cyclists and equestrians - including for cross-island travel and access to the adjacent Mount Geoffrey Regional Nature Park.

A report prepared by an ad-hoc Committee of the Hornby Island Residents and Ratepayers Association *"The Heart of Hornby Island—A Forest, a Watershed (2000)"* reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee *"The Heart of the Island"* submitted in July 2000 outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control. The K'omoks First Nation must be recognized as being the original inhabitants of Hornby Island.

Area

All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to protect and enhance the groundwater recharge function of the area;
- (2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established;
- (3) to protect the forest from major disturbance by fire;
- (4) to maintain the aesthetics/visual qualities of the forest;
- (5) to encourage tenure arrangements that enable community control and stewardship of this area;
- (6) to provide for low-impact recreation activities that are compatible with the first three objectives; and
- (7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

- 3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.
- 3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.
- 3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this sub-section
- 3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies

- 3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.
- 3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

- 3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.
- 3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.
- 3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.
- 3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.
- 3.4.11 Ministry of Forests, Lands and Natural Resource Operations is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.
- 3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community plan.

3.7 Heritage Features

In 2014, four paragraphs were deleted on “historical perspectives which the K’omoks First Nation had concerns about, with the expectation that the LTC would work with K’omoks to establish revised wording which could subsequently be added to the OCP (Tony Law, First Nations Heritage Site Protection, Hornby Island, 24 March 2021: correspondence to Hornby Island Local Trust Committee

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations’ interests in aquaculture may be affected

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Commented [WB1]: This was the language in the 2014 OCP, which was omitted from the published version of the OCP

3.8 Hazard Areas

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

The first European settlers of Hornby Island included agriculture as a primary occupation, supplying agricultural produce to Vancouver Island (1880-1920). At present, small scale farming operations serve primarily local needs with some specialty production. Seasonal water supply can be a challenge and the need to protect water resources is a concern.

Area

The Hornby Island Trust Area is subject to the following objective and policies.

Objective:

The objective of this subsection is to encourage farming and local food production in ways that are compatible with the Island's environment.

Policies:

4.1.1 Co-operative farming and community gardens should be encouraged.

Advocacy Policies:

4.1.2 The development and implementation of a Hornby Island food and farm action plan is supported.

4.1.3 Sustainable and organic farming is supported, including efforts to ensure that water supplies used by farmers remain uncontaminated.

4.1.4 The Ministry of Agriculture is encouraged to maintain and promote sustainable agricultural and organic farming techniques and to discourage the use of toxic pesticides or other toxic chemicals and the inappropriate application of fertilizers.

4.1.5 The use of genetically engineered seeds or plants is strongly discouraged in order to protect the genetic integrity of food and crops and other plants growing on the Island.

4.1.6 The use of chemicals or farming methods that can result in the contamination of the soil, other organisms, groundwater or surface water is strongly discouraged.

4.1.7 Agriculture that utilizes rainwater for irrigation, practices water conservation and protects water quality is encouraged.

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the Island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems." In addition, it is important to protect Indigenous culturally modified trees.

Area

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objective:

The objective of this subsection is to ensure all forestry is carried out in a way that protects ecological values and sustains the resource.

Policies:

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.

4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.

4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.

4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.

4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Advocacy Policies

4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.

4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and bio-diversity values is supported.

4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.

4.2.9 The Ministry of Forests and Range is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Homby Island's location within the Island Trust Area and should be requested to:

- a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and
- b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

The relatively unpolluted water surrounding Homby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of large-scale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.

Area

All areas below the natural boundary of Homby Island within the Homby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;
- (2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;
- (3) to support low impact mariculture operations; and
- (4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.
- (5) To respect Indigenous mariculture licenses and options for licenses with the DFO, within the context of the first four objectives.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3

4.3.4 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.5 The areas from Collishaw Point Ford Cove has potentially suitable biophysical conditions and proposals for Mariculture use may be considered by the Local Trust Committee upon application for rezoning

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA).

4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies

4.3.7 The Ministry of Forests, Lands and Natural Resource Operations is requested to prohibit:

- a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and
- b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

4.3.8 The Ministry of Forests, Lands and Natural Resource Operations is requested to:

- a) ensure that mariculture operations are restricted to below the 2 metre (7 feet.) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;
- b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas, and
- c) monitor the impact of mariculture on other marine resources.

4.3.9 The Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Agriculture and the federal Department of Fisheries and Oceans are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of private or commercial leases.

4.3.10 The Ministry of Forests, Lands and Natural Resource Operations is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.

4.3.11 The Ministry of Agriculture is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

This section reflects the concern that environmental considerations be applied to all settlement activities on the Island. The concept of sustainability is fundamental to decisions on the level and characteristics of services. The responsibility for regulating and monitoring the effect of providing services is commonly shared between government agencies and the Local Trust Committee. Issues addressed include transportation, water supply, waste disposal and energy.

5.2 Water Supply Protection Areas

Background

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Grassy Point, Sollans Road, Anderson Drive (two) and Jerow Road. There is also a public well within Tribune Bay Provincial Park that is now capped. The Sollans Road public well is held and maintained as a crown land lease area by HIRRA. The lease was granted after consultation with K'omoks First Nation.

Area

All areas identified as a Water Supply Protection Area (WSPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Whaling Station Bay water collection system and other existing public wells as present or future sources of community water supply.

Policies:

- 5.2.1 Lot A Plan 19879 Section 9, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.
- 5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.
- 5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.
- 5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.
- 5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policy

- 5.2.6 Public wells are subject to requirements of the *Water Act* and other provincial legislation such as the *BC Drinking Water Protection Act* and regulations. Designated purveyors or other agencies

responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.

5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

6.2 Community Service Use

Background:

An island community isolated by two ferries from any major centre requires a degree of self-sufficiency in the provision of public services.

The community is fortunate to have a large area of Crown land in the central part of the Island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located. The Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Union Bay Credit Union-Hornby Branch, Art Centre, the Teen Centre, the "Kitchen", and the RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), The Community Health Care Centre, including the new medical clinic and the Athletic Association facilities are all on leased Crown land.

The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands and Natural Resource Operations to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

A 10 hectare portion of the land zoned 'Community Service Use' fronting on both Central Road and Sollars Road is under discussion as part of the land claims negotiation with the K'omoks First Nation.

Area

The areas identified on Schedule B (Map Designations) as COM (Community Service Use) and other areas where noted in policy are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;
- (2) to protect the groundwater resource from degradation for purpose of water supply;
- (3) to design development to accommodate anticipated traffic and parking needs,
- (4) to encourage the clustering of public buildings in this area ;
- (5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;
- (6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;
- (7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;
- (8) to use community resources efficiently and to allow for development of community facilities as needed;
- (9) to ensure that the existing community use and service areas are maintained;
- (10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing; and
- (11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

- 6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by development permit and land use bylaw regulations.
- 6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.
- 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.
- 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- 6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.
- 6.2.6 The development of affordable rental housing or special needs housing for island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated community service use and be regulated land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.
- 6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods; community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate offstreet parking being provided and should be addressed through land use bylaw regulations.
- 6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.
- 6.2.10 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.
- 6.2.11 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.
- 6.2.12 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.
- 6.2.13 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.
- 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies

6.2.16 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.

6.2.16 Ministry of Forests, Lands and Natural Resource Operations is requested to:

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

6.2.17 The Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).

6.2.18 The provision of facilities for junior and senior high school students is supported.

6.2.19 School District #71 is encouraged to make all educational facilities available for use by the whole community.

6.2.20 Availability of facilities such as the school and hall for a variety of functions is encouraged.

6.2.21 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.

6.2.22 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3.3 Rural Residential

Background:

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

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply. The K'omoks First Nation has pending ownership of 10.8 hectares of land between Solana Road and Carmichael Road (excluding the public well leased owned by HIRRA).

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to promote retention of large parcels of land and existing densities;
- (2) to provide some limited opportunity for land sharing without encouraging subdivision;
- (3) to enable some residents to resolve existing land sharing challenges; and
- (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.

Policies:

- 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.
- 6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.
- 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.
- 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.
- 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.
- 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.
- 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.
- 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.
- 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are to:

- (1) preserve scenic, aesthetic, ecological values, including evidence of Indigenous occupation, such as culturally modified trees; values;
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;
- (3) preserve traditional public trail access through forested areas especially to escarpment view points;
- (4) promote retention of large parcels of land;
- (5) provide some limited opportunity for land sharing without encouraging subdivision,
- (6) maintain the visual quality of the residential neighbourhoods; and
- (7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Deleted: and

Deleted:

Policies:

Policies in subsections 6.1 and 6.3.1 apply to this subsection.

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.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over four hectares (10 acres).

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

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

6.4 Agriculture

6.4.1 Agriculture

Background:

The early European settlers of Hornby Island included agriculture as a primary occupation. Indigenous peoples cultivated camas beds and cleared land to grow food through prescribed burns. However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Deleted: development

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Section 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have a traditionally established a minimum subdivision potential of 16 hectares (39.5 acres) or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to support continuing agricultural use of land and associated activities;
- (2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;
- (3) to encourage retention of large parcels of land for agriculture; and
- (4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in subsection 6.1 apply to this subsection.

6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 16 hectares (39.5 acres) should be.

6.4.1.2 The principal uses in this designation should be agriculture and residential.

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).

6.4.1.4 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.

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, Waste Management Act, the Farm Practices Protection (Right to Farm) Act and the Health Act administered by the Vancouver Island Health Authority.

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required. (See Section 7.3)

Advocacy Policy

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the customary Settler land-based economic activity of Hornby Island. There are about 824 hectares (2060 acres), 27% of the land base, in the Agricultural Land Reserve, and subject to the Agricultural Land Commission Act, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Land Reserve. The average area of these parcels is 7.2 hectares (18 acres). This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture, most Agricultural Land Reserve land falls in that category.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain land with potential for agriculture;
- (2) to ensure that agricultural land in the land reserve is not degraded; and
- (3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

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

- 6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Reserve, the latter being preferred if other land of comparable or better agricultural potential being added to the Reserve.
- 6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 18 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.
- 6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.
- 6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water, supply and waste disposal.
- 6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.
- 6.4.2.7 Soil removal except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act* should not be permitted.
- 6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.
- 6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.
- 6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m² on any parcel.

Advocacy Policies

- 6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey

water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A Plan 38493 Section 13, known as "Bradedadlands", 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.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having ground water supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

- 6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density respectful of Indigenous historical occupation and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.
- 6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Homby Island and should not be permitted.
- 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.
- 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.

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.

6.5.2.6 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.

6.5.2.7 Due to the limited availability of restaurants at certain times of the year Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies

6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.

6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off-season activity rather than upon attracting more visitors during the summer peak season.

6.5.2.10 A position of "welcome with information" to tourism use of the Island is encouraged as a means to inform visiting tourists about best practices when visiting the Island.

6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.

6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.

6.5.2.13 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.

6.5.3 Vacation Home Rental

Background

Given the Island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- 1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and
- 2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

- a) provided 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
- b) where the owner or a 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
- c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

6.5.3.2 Vacation home rental use should be subject to regulations which:

- a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Homby Island in general through a vacation experience;
- b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;
- c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
- d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
- e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
- f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.

6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:

- a) utilizing a rainwater catchment and storage system;
- b) installing water-saving fixtures; and
- c) providing information about water conservation practices to all guests.

6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

6.5.3.5 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist

In resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.

6.5.4 Commercial/Residential General

Background

The Fords Cove area contains three properties that have in recent history been zoned for broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives

The objectives of this subsection are:

- (1) to recognize the historical commercial zoning of this area; and
- (2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunity is provided by the natural features of Homby: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of trails. The island

Deleted: traditional

is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Hellwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents and Ratepayer's Association is under contract with the regional district to manage these beach access parks.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain the established accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and
- (2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on the Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as part of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

- a) maintain and sign public accesses;
- b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;
- c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;
- d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access);
- e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the island are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.



Hornby Island Residents' and Ratepayers' Association (HIRRA)

4305 Central Road, Hornby Island, BC, V0R 1Z0
Ph: (250) 335-1842 E-mail: office@hirra.ca

November 23, 2021

Hornby Island Local Trust Committee
Islands Trust, North Office
700 North Road, Gabriola BC V0R 1X3
E-mail to: northinfo@islandstrust.bc.ca

Attention: Hornby Island Local Trust Committee

Subject: Support to establish Hornby Island Community Heritage Register (CHR)

At the Regular Meeting on November 10, 2021, the Hornby Island Residents' and Ratepayers' Association (HIRRA) endorsed support to set up a Hornby Island Community Heritage Register. Understanding that this work will require your support and a time commitment of Islands Trust staff, I am writing on behalf of the HIRRA to seek your consideration to advance this request at your next Local Trust Committee meeting.

This initiative was brought to the HIRRA Executive on October 27, 2021, by the Community Hall Committee following several weeks' exploration to consider establishing a register, similar to the register completed for Denman Island. The main aim of this initiative is to formalize an official list of historic places which have heritage value or heritage character. Additionally, places listed on a community heritage register would be better positioned to access heritage conservation tools and incentives and be eligible for various funding sources such as the Heritage Legacy Fund of BC.

The Hornby Island Archives Committee of New Horizons has also confirmed the importance of this initiative. Their letter of support is attached.

We are urging the LTC to consider this request to set up a Hornby Island Community Heritage Register at the next scheduled meeting on December 10, 2021. A member of the Community Hall Committee will be in attendance to provide additional background information.

Following a discussion, we hope the LTC will support a resolution requesting staff bring back a report to the LTC to establish a CHR, including options with respect to community engagement and consultation.

Sincerely,

Daniel Siegel, HIRRA President

cc. HIRRA Community Hall Committee

THE HORNBY ISLAND COMMUNITY ARCHIVES

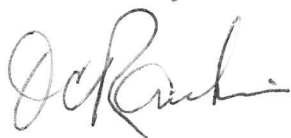
HORNBY ISLAND BC V0R1Z0
HORNBYISLANDARCHIVES.CA

To Whom It May Concern:

The Hornby Island Community Archives (HICA) is a sub-committee of the Charitably Registered Hornby Island New Horizons Society. We fully support the Hornby Island Residents and Ratepayers Association (HIRRA) in its application for the creation of a Hornby Island Heritage Register.

Such a register would be of inestimable advantage to our own services in helping to identify important sources from which to seek documents for inclusion in our controlled archival storage space.

Yours truly,



Oakley Rankin

Chairperson
Hornby Island Community Archives
1765 Sollans Road
Hornby Island, BC



Anita Lewis

President
New Horizons Society
1765 Sollans Road
Hornby Island, BC





Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: October 8, 2021

Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Island Planner (by Speakerphone)
Ian Cox, Planner 2 (by Speakerphone)
Teresa Mahikwa, Island Planner (by Speakerphone)
Katherine Vogt, Recorder (by Speakerphone)
Lisa Wilcox, Senior Intergovernmental Policy Advisor (by Speakerphone)

Others Present: Daniel Arbor, Electoral Area Director
Approximately seven (7) members of the public
Approximately eight (8) members of the Hornby Housing Coalition

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 10:32am. She acknowledged that the meeting was being held in person in territory of the Coast Salish First Nations. She welcomed members of the public and introduced Trustees, staff, and recorder. She welcomed Electoral Area Director, Daniel Arbor. She noted that the meeting was being video recorded.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Move item 18.1 to after item 4. Town Hall to prioritise discussion of electronic meeting option for the next Local Trust Committee (LTC) meeting.
- Move item 12.1 Minimum Average Lot Areas Amendment Project (MALA) to after item 10.2.

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott provided a summary of activities and meetings attended:

- An October Hornby Island school event that showcased the beautiful condition of the new school, the community effort that has gone into it, and that there could be up to 53 students this year.
- The Thatch situation seems stalled. Meetings between the Minister and Chief Rempel have taken place, but Trustees have not been invited.
- Year-round permanent housing needs.

Trustee Allen provided a summary of activities and meetings attended:

- Attended the September Trust Council meeting at which issues regarding tree cutting on private properties was discussed.
- Conversations regarding San Juan Islands experiencing similar problems to the Gulf Islands with secondary homes and increasing numbers of visitors.
- Recent Comox Valley Regional District meeting.
- Discussions with members of the Fire Department on fire protection issues.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- A recent Islands Trust Conservancy Board meeting.
- A recent Executive Committee meeting.

3.3 Electoral Area Director's Report

Director Daniel Arbor reported on the following:

- An upcoming elected official forum with K'ómoks First Nation regarding water, including community and private well issues, and climate change impacts on water.
- Hornby and Denman Highspeed Internet Referendum Virtual Open House Sessions sponsored by the Comox Valley Regional District on October 6 and 7, 2021, in preparation for the upcoming November referendum.
- Property tax impacts for Hornby Island when property assessments increase.
- A recent meeting with various Hornby Island participants regarding local housing needs.

4. TOWN HALL

Members of the public commented and the following was noted:

- Chair of the Hornby Island Advisory Planning Commission (APC) Wendy Burton, provided an update on the APC referral progress, noting that final APC recommendations for First Nations references inclusion in the Hornby Island Official Community Plan (OCP) are nearly complete; and that the APC will soon move into discussion of housing issues, including short-term vacation rentals. These meetings are open to the public. Many members of other Hornby associations have been invited to participate at upcoming APC meetings on housing as resource persons. Chair Burton emphasised that housing needs on Hornby are not only for short term seasonal workers, but also for full-time year-round workers, people housed in insecure homes, and committed residents who are excluded from the high-priced property market.
 - Trustee Scott thanked Chair Burton for her report and for the recent work of all APC members.

- It is asserted in the Bradsdadsland application that they are providing housing in the winter for essential workers only; however, at least one, and perhaps more, non-essential workers were living there this winter.
- There should be a moratorium on further subdivision to prevent overpopulation.
- A caravan/trailer park is an affordable, realistic solution for immediate housing needs.
- Participants with commercial housing interests outnumber participants with housing needs, within the Hornby Housing Coalition. The community really needs to hear from those with housing needs.
- The community and the Hornby Housing Coalition needs to better acknowledge that Short-term Vacation Rentals (STVRs) have been impacting housing stock for many decades.
- Affordable housing could be provided by allowing small, ecological, sustainable dwelling units for use by year-round residents on existing properties, especially those that are vacant in the winter. Rather than develop undeveloped land; already developed land could be better utilised.
 - Trustee Scott noted that this idea had come up at recent meetings and would be further discussed.
 - Trustee Allan appreciated the many creative ideas around housing that are circulating in the community.
- The Islands Trust did a good job in 2018 in providing for all islands to create a housing needs assessment. Twenty affordable housing units were identified as needed on Hornby Island. A multi-pronged approach is needed to solve housing issues.
 - Trustee Scott noted that underlying all approaches were the critical factors of water availability and safe sewage disposal.
- Illegal housing under moratorium could be transitioned through the Temporary Use Permit (TUP) system to become legal.
- The community needs to be wary that they do not inadvertently create the opportunity for more STVRs, thus continuing to fail to provide affordable housing for long-term residents.

18.1 Next Regular Meeting Scheduled for Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

Chair fast noted that the provincial government was shifting to in person meetings, but that the upcoming December 10, 2021 meeting could be done entirely electronically if it were declared a special meeting.

Trustees noted that some advantages to electronic meetings include less staff travel, reduced fuel usage, mitigating global warming, staff efficiencies, and not having to wear a mask. Disadvantages were poor internet service for many residents on Hornby Island, and not being able to see people all together. It would be beneficial to have a zoom component for in person meetings for those unable to attend.

Regional Planning Manager Kauer noted the following:

- During the Covid emergency, staff were allowed by the provincial government to conduct electronic meetings by the emergency overriding of local meeting procedures bylaws; but now, local trust committees would need to update their local meeting procedures bylaws to allow as many electronic meetings as wanted.
- The current meeting procedures bylaw allows only special meetings to be electronic. Special meetings would likely not have a Town Hall portion.

- The technical aspects of conducting electronic meetings involve extensive time involvement by administrative staff who must attend the entire meeting. This is unsustainable long-term.
- The most difficult part for administrators of zoom meetings is managing the coming in and out of remote attendees, so the Town Hall portion of zoom meetings is the most difficult part to manage.
- Video recording and streaming of a meeting is easier to staff and technically support.
- For in person meetings, a staff member would need to be present.
- Room to Grow and the Hornby Community Hall may not have reliable Wi-Fi to support a zoom component.
 - Trustee Allan noted that the Hornby Island Ratepayers Association (HIRA) zoom meetings had had as many as 60 participants, and that a local person could manage electronic Islands Trust meetings.
 - APC Chair Burton noted that at one HIRA meeting she was unable to vote due to a lost internet connection.

Members of the public noted the following:

- Zoom allows more members of the public to participate and saves time for participants.
- Zoom disenfranchises those who do not have electronic devices or who have poor internet connections.
- Mask rules can be determined by whoever calls a meeting rather than whoever owns and operates a venue.
 - Chair Fast noted that it was the British Columbia Centre for Disease Control (BCCDC) that was determining mask protocols for provincial government meetings.
- Body language and facial expressions are important aspects of a meeting. Zoom and masks contribute to the invisibility of participants; especially if there is no participant list. Zoom meetings should allow all participants to see all other participants.
- Hybrid Zoom/in-person meetings would allow busy people to participate more.
- Future fibre optic capacity on Hornby will contribute to allowing more people to participate in electronic meetings.

The next meeting will be in-person, Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

Director Daniel Arbor left the meeting at 11:18 am.

5. DELEGATIONS

5.1 Hornby Housing Coalition

Barbara Baird of the Hornby Island Housing Society spoke on behalf of the Hornby Housing Coalition (HHC) regarding the letter of September 27, 2021 by the HHC to the LTC which urgently requests the LTC to extend the current moratorium on bylaw enforcement on illegal dwellings, and which requests further longer term support from the Comox Valley Regional District and Islands Trust planning staff for affordable housing solutions.

She read out the HHC Statement of Purpose and explained that the HHC was a separate coalition from all other associations on Hornby. Though many participants came from these other associations, they were encouraged to speak from their own individual experience, rather than as spokespersons for these other associations. The HHC,

utilizing consensus decision making, was hoping to generate new solutions to the affordable housing crisis on Hornby Island.

A member of the HHC read out the 2-page September 27, 2021 letter from the HHC to the LTC, as contained on pages 4 and 5 of the October 8, 2021 LTC Agenda Package.

The HHC had identified the need for a new housing zone to be created on Hornby Island and were requesting help from planning staff.

Trustees noted the following:

- They were not able to attend local meetings together because this would constitute a quorum of a committee and there were provincial rules against this.
- The new zone concept could be forwarded to the APC for their upcoming housing referral.
- Planning staff time is limited and in demand.
- The possibility of a request to the Executive Committee for a budgetary allowance to hire a private, perhaps local, planning consultant to support the APC housing referral.
 - Chair Fast noted that formal budget requests are being assessed right now for the upcoming year.
 - Chair Fast referred to Item “17.1 Islands Trust awarded a \$367,795 grant from the Province of BC for a Development Application Service Delivery and Technology Improvement Program” as one solution by which affordable housing might be fast-tracked.

By general consent the meeting recessed at 11:55 am and reconvened at 12:30 pm.

Planner Dubyna joined the meeting at 12:30 pm.

6. MINUTES

6.1 Local Trust Committee Minutes dated July 16, 2021 - for adoption

By general consent the Local Trust committee meeting minutes of July 16, 2021 were adopted.

6.2 Section 26 Resolutions-without-meeting – none

6.3 Advisory Planning Commission Minutes dated July 23, 2021 - for receipt

Received

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 29, 2021

Regional Planning Manager Kauer offered to request that Freshwater Specialist Shulba provide an update on progress made with the Watershed Protection and Groundwater Preservation Project Charter and to follow up on progress made regarding the advertising of TUPs for seasonal worker accommodation.

7.2 Laskin - Second Liquor Sales Temporary Use Permit Resolution - Staff Report

Regional Planning Manager Kauer presented the Memorandum for File No.: HO-TUP-2021.1 (Laskin) dated October 8, 2021, which explains that the applicant cannot reapply for a similar TUP within one year of the original application under existing procedures bylaws unless the LTC passes a new resolution.

Trustees discussed that the applicant can apply for a Special Events License through the Liquor Branch for Friday night liquor sales and that public and neighborhood reactions could be assessed.

Planner Cox joined the meeting at 1:14 pm.

Planner Cox answered Trustee questions regarding the applicant's request for an LTC resolution to allow reapplication.

Planner Cox left the meeting at 1:19 pm.

8. REPORTS

8.1 Trust Conservancy Report dated July 13, 2021

8.1.1 The Heron – Summer 2021

Chair Fast reported on the following:

- At a recent Islands Trust Conservancy Board meeting, members had been very happy to welcome a highly experienced and distinguished new appointee: Dr. Risa Smith of Galiano Island.
- A new area of protected land on Lasqueti Island by an outside group.
- The advancement of new covenants and nature reserves by the Islands Trust Conservancy.
 - A Trustee expressed that it would be helpful for the Conservancy meetings to focus more on questions and answers, rather than the reading out of already published material.

8.2 Applications Report dated September 29, 2021

Received.

8.3 Trustee and Local Expense Report dated July, 2021

Received.

8.4 Adopted Policies and Standing Resolutions

Regional planning Manager Kauer presented the October 8, 2021 Staff Report which asks the LTC to consider extending the expiration date of Standing Resolution No. HO-2017-011 which defers bylaw enforcement for three specific properties. It was also realized that Trustees could address the expiration of resolution HO-2020-074 which pertained to general deferment of pro-active enforcement of year-round unlawful housing.

HO-2021-053

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.

CARRIED**HO-2021-054**

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee adopt the following Standing Resolution:

That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.

CARRIED**8.5 Local Trust Committee Webpage**

Nothing to report.

9. COMMUNITY INFORMATION MEETING - Minimum Average Lot Area Amendments Project (MALA) - Proposed Bylaw No. 166

Planner Mahikwa opened the Community Information Meeting for Proposed Bylaw No. 166, allowing for a question and answer period between members of the public, Trustees and Staff.

Planner Mahikwa explained that, if adopted, Bylaw No. 166 would amend the Hornby Island Official Community plan (OCP) by proposing changes to make OCP policies more consistent with existing Land Use Bylaws (LUB) regulations regarding minimum average lot sizes and minimum average lot area. Proposed Bylaw No. 166 eliminates references in the OCP to specific lot measurements but does not change any of the subdivision regulations contained in the LUB. Smaller than minimum lot sizes will only be considered if the subdivision is for the purpose of community benefit.

Members of the public asked the following questions:

- What specifically does this bylaw change?
 - Planner Mahikwa explained that the present OCP has many inconsistent lot size references that do not correlate with lot size references in the LUB. Since only the LUB is subject to bylaw enforcement, it is superfluous to maintain lot size references in the OCP. While the OCP guides overall policy, it is the LUB that provides specific subdivision regulations. Bylaw No.166 is essentially a housekeeping bylaw that eliminates confusion for applicants.
 - Planner Mahikwa clarified that the MALA project involves two separate bylaws: Bylaw No. 166 to amend the OCP, and Bylaw No. 167 to amend the LUB. The Public Hearing for the LUB Bylaw No. 167 was waived.
- Do Agricultural Land Commission (ALC) bylaws overrule LTC bylaws for agricultural land on Hornby Island if they are inconsistent?
 - Planner Mahikwa responded that provincial legislation does overrule local bylaws.
- Whichever agency has the strictest laws seems to prevail, is that your understanding?
 - Planner Mahikwa responded that ALR property bylaws would overrule Islands Trust bylaws, even if the ALR rules are more lenient.

10. PUBLIC HEARING - PROPOSED BYLAW NO. 166 to begin at 12:35 PM

10.1 Recess for Public Hearing

By general consent the meeting was recessed for a Public Hearing at 12:46 pm.

10.2 Recall to Order

Chair Fast recalled the meeting to order at 12:57 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Minimum Average Lot Area Amendments Project (MALA) - Staff Report - consideration of further readings

Planner Mahikwa presented the staff report which requests LTC approval for OCP Bylaw No. 166, for which the Public Hearing had just taken place; and for LUB Bylaw No. 167, for which the Public Hearing process had been previously waived.

Bylaw No. 167 amends Schedule “A” of Hornby Island Land Use Bylaw, 2014 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.

HO-2021-055

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”, be read a third time.

CARRIED

HO-2021-056

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

HO-2021-057

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, be read a third time.

CARRIED

HO-2021-058

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Islands Trust Executive Committee.

CARRIED

HO-2021-059

It was MOVED and SECONDED,

that, following Islands Trust Executive Committee, staff forward Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, to the Ministry of Municipal Affairs and Housing for approval.

CARRIED

Trustees thanked Planner Mahikwa for her work on the MALA project.

Planner Mahikwa left the meeting at 1:06 pm.

11. APPLICATIONS AND REFERRALS

11.1 Islands Trust Area Bylaw No. TC183 - Referral Request for Response

Bylaw No. TC183 substantially updates the Islands Trust Policy Statement.

HO-2021-060

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer decision on Bylaw TC183 until after further public consultation.

CARRIED

Planner Dubyna joined the meeting at 1:36 pm.

11.2 HO-RZ-2020.1 (Kramer - 2105 Shingle Spit Road) - Staff Report

Planner Dubyna presented the Staff Report on the application File No.: HO-RZ-2020.1 (Kramer) dated October 8, 2021 which updates the LTC on information staff received since March, 2021.

Regional Planning Manager Kauer explained that the property was illegally non-conforming, not legally non-conforming. The property would have to be rezoned as a special zone with specific LTC approved stipulations to achieve legality.

HO-2021-061

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with application HO-RZ-2020.1 for the following reason: because of the history of non-compliant activities on the property.

CARRIED

HO-2021-062

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee return File No. HO-RZ-2020.1 to Islands Trust Bylaw Enforcement and Compliance to continue enforcement of File No. HO BE 2019.6.

CARRIED

Planner Dubyna left the meeting at 2:03 pm.

By general consent the meeting recessed at 2:04 pm and reconvened at 2:08 pm.

13. CORRESPONDENCE

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

13.1 Email dated September 27, 2021 from J. Ovitsland, M. Mackenzie, S. Horner and L. Nunley regarding Extension of Hornby Island Special Resolution HO-2020-074

Received.

14. NEW BUSINESS

14.1 Siting and Use Permit - Bylaw No. 168 - Staff Report

Regional Planning Manager Kauer presented the Staff Report dated October 8, 2021, regarding repeal and replacement of the Hornby Island Siting and Use Permit Bylaw, noting that the original 1990 Siting and Use Bylaw needed modernizing and that professionally drafted site plans, which Hornby Island presently does not require, would be beneficial for some applications to reduce applicant error.

The Staff Report recommends that in cases where a building or structure is proposed to be sited within one metre of the required setback, site plans submitted with the application should be drafted by a surveyor.

HO-2021-063

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to collect information on the language used by the Capital Regional District for Southern Gulf Islands regarding accessory buildings and setbacks in relation to site plans.

CARRIED

14.2 New Fees Bylaw - Request for Decision

Trustees discussed the new model fees bylaw: Trust Council Policy "5.6.1 Application Processing Services," a 7-page document that could be adopted as is or modified specifically for Hornby Island.

HO-2021-064

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee refer the staff report on the new fees bylaw to the Hornby Island Advisory Planning Commission for consideration.

CARRIED

14.3 Standing Resolution HO-2020-074 expiry on December 31, 2021 - Staff Report

This item was addressed in item 8.4.

15. WORK PROGRAM

15.1 Top Priorities Report dated September 29, 2021

Received.

15.2 Projects List Report September 29, 2021

HO-2021-065

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

By general consent the regular meeting was recessed at 2:27 pm.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2021-066

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (m) for the purpose of considering: (d) adoption of In-Camera Meeting minutes dated July 16, 2021 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Fast recalled the meeting to order at 2:33 pm.

16.3 Rise and Report

There was nothing to report.

17. INFORMATION ITEMS

17.1 Islands Trust was awarded a \$367,795 grant from the Province of BC for a Development Application Service Delivery and Technology Improvement Program

Received.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:35 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NO. 166

Date: October 8, 2021
Time: 12:47 PM
Location: Room to Grow, 2100 Sollans Road, Hornby Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
Teresa Mahikwa, Island Planner
Katherine Vogt, Recorder

Others Present: Approximately eighteen (18) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 12:47 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of Coast Salish First Nations.

She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 166 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021".

2. PROPOSED BYLAW NO. 166

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

She explained that the purpose of proposed Bylaw No. 166, if adopted, is to amend the current Hornby Island Official Community Plan (OCP) Bylaw 149 by proposing multiple changes to the current Hornby OCP to ensure consistency between OCP policies and Land use Bylaw (LUB) regulations regarding minimum lot size and minimum average lot area for land use designations in the OCP. Bylaw No. 166 was referred to various outside agencies and 13 First nations. Responses received included no comment or interests unaffected. No public submissions on the bylaw amendment have been received.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws. The following comments were noted:

- Donna Tuele spoke in favour of the bylaw amendment.
- A member of the public spoke in favour of the bylaw amendment.
- Jan Bevan spoke in favor of the bylaw amendment, noting that new Agricultural Land Commission rules coming at the end of the year may affect the amendment.

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 12:57 pm.

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

Katherine Vogt, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2021-003 "That the Hornby Island Local Trust Committee request staff to schedule a Special Meeting on November 26, 2021 to hold an In Camera meeting to receive confidential information regarding First Nations".	Carried	15-Nov-2021
2021-002 "That Hornby Island Local Trust Committee Bylaw No. 167, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021", be adopted".	Carried	08-Nov-2021

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Friday, September 24, 2021

Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

APC Members Present: Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Rob McCreary, Member

Staff Present: Katherine Vogt, Recorder (by telephone)

Regrets: Wendy Burton, Chair
Christine Amabilino Hunt, Member
Kim Fagerlund, Member

1. CALL TO ORDER

Deputy Chair Bale called the meeting to order at 1:00 pm. She acknowledged being on the traditional territory of the Pentlatch and K'ómoks people. She welcomed members and recorder.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated July 23, 2021 for adoption

By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

There was no new business to report.

5. Discussion of OCP, with reference to Indigenous inclusion

a. Review of contributions from APC members

Members discussed the Hornby Island Official Community Plan (OCP) to make recommendations for the inclusion of First Nations acknowledgement. Each member spoke on the section of the OCP that they had been previously assigned to

study as homework. Members who were absent from the meeting had previously submitted their opinions to the group by email.

b. Next Steps

Deputy Chair Bale offered to meet with Tony Law for clarity on 3.7 Heritage Features and to report findings to APC members by email prior to the next meeting.

Secretary Ovitsland and Deputy Chair Bale offered to prepare a report for final review at the next meeting.

6. Next meeting time and Adjournment

The next meeting will be on Friday, October 29, 2021 at the Hornby Island Community hall from 1:00 pm to 3:00 pm.

By general consent, the meeting was adjourned at 3:10 pm.

Vicki Bale, Deputy Chair

Certified Correct:

Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: October 29, 2021

Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

APC Members Present: Wendy Burton, Chair
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Rob McCreary, Member

Regrets: Kim Fagerlund, Member
Christine Amabilino Hunt, Member

Staff Present: Katherine Vogt, Recorder by Speakerphone

Others Present: April Lewis, member of the Hornby Island Housing Society
One (1) member of the public

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks First Nation and Pentlatch People. She introduced herself and the recorder and allowed other Advisory Planning Commission (APC) members to introduce themselves. Chair Burton noted that members Kim Fagerlund and Christine Amabilino Hunt would continue to be actively working on the APC referral from a distance.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Change item 4 to the heading 'Hornby Island Housing Network' and renumber all following agenda items.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated September 24, 2021.

The following amendment to the minutes was presented for consideration:

- On page 2, third paragraph, line 1, change 'Deputy Chair Bale' to 'Chair Burton.'

By general consent, the minutes were adopted as amended.

4. Hornby Island Housing Network

Chair Burton explained that the Hornby Island Housing Network, previously called the Hornby Island Housing Coalition, a recently formed group, had invited APC members to attend a recent meeting and that two members had attended; but that APC members are not permitted to act as members of the APC at outside meetings without previous permission from the APC group. Yet, there is a letter circulating from the Hornby Island Housing Network that states that members representing the APC were present. According to *Local Government Act* rules, the APC must be cautious to not act as a quorum, which is formed by three or more APC members; and, to not act without permission from the local Trustees as members of the APC. APC members can participate at outside meetings as individuals.

5. Review of recommended wording changes to OCP, with regards to references to First Nations

APC members reviewed the 91-page Hornby Island Official Community Plan Bylaw No. 149, 2014 document, which had been converted for working purposes to a track changes document, allowing recommended editorial wording changes to be set in the margins for itemised discussion. The document is attached to these minutes.

HO-APC-2021-002

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends the amendments to the Hornby Island Official Community Plan Bylaw No. 149, 2014 with respect to First Nations language.

CARRIED

6. Discussion: LUB on housing and short-term rentals

APC members discussed the scope and complexities of their housing referral.

Chair Burton noted that all documents formally submitted to the Chair for the upcoming housing portion of the APC referral would be given a document number, the name of the sender, the date, and a brief subject line. They would be forwarded to APC members as they were received and would become a part of the public record to be viewed on the Islands Trust website.

Chair Burton noted that members of the public were welcome to present at upcoming APC meetings if they gave 10 days formal notice of presentation to the Chair by email, so that the public could be formally notified. Members of the public should be made aware that their personal submissions to the APC will become public.

Chair Burton welcomed April Lewis of the Hornby Island Housing Society as a resource person with a voice but no vote at 2:00 pm.

7. Next Steps and Timeline

APC members created working groups to review information between formal meetings:

- Member Ovitsland working with Member McCreary
- Member Burton working with Member Bale
- Member Fagerlund
- Member Amabilino Hunt

APC members planned to review documents through the month of November, to meet once in their working groups between meetings, and to attend later meetings monthly or bi-monthly with a goal to have the referral completed by the end of March. It was considered for all APC members to review the Islands Trust Draft Policy Statement, housing portions of the OCP, Land Use Bylaws, and all submitted documents; and, for members to submit any questions to the Chair by email a week before the next meeting for clarification from planners.

8. Next meeting

The next APC meeting will be held at the Hornby Island Community Hall on Friday, November 26, 2021 between 1:00 and 3:00 pm.

9. ADJOURNMENT

By general consent, the meeting was adjourned at 2:46 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

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. <i>Planner hours advertising on hold until Covid restrictions for travel removed.</i> <i>LTA Conservancy Profile at bottom of every LTA home page on new website.</i>	Sonja Zupanec Wil Cottingham		In Progress

16-Jul-2021

Activity	Responsibility	Dates	Status
1 Staff to work with Trustee Scott to advertise the possibility of TUPs for seasonal worker accommodation.	Heather Kauer Wil Cottingham		In Progress
2 The Hornby Island Local Trust Committee add "amendment of the Hornby Island Fees Bylaw" to the projects list.	Heather Kauer		Completed

08-Oct-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

08-Oct-2021

Activity	Responsibility	Dates	Status
1 The LTC gave third reading to bylaws 166 and 167 and requested staff to forward to the Executive Committee and Ministry of Municipal Affairs.	Becky McErlean Teresa Mahikwa		Completed
2 Defer response on the Islands Trust Policy Statement until further public engagement efforts are completed on the document.	Becky McErlean Heather Kauer		Completed
3 The LTC resolved to proceed no further with application HO-RZ-2020.1. Staff to close the file, provide the applicant with a refund consistent with the Hornby Island Fees bylaw, and refer HO-BE-2019.6 back to Bylaw Enforcement.	Becky McErlean Jaime Dubyna Penny Hawley		In Progress
4 Staff look into CRD language regarding accessory buildings as possible option for the Hornby Island Siting and Use Permit bylaw.	Heather Kauer		In Progress
5 The expiration dates of standing resolutions 8 and 9 will be extended to December 31, 2023.	Heather Kauer Penny Hawley		Completed
6 The model fees bylaw to be referred to the Hornby Island Advisory Planning Commission for comment.	Heather Kauer Penny Hawley		Completed



File No.: HO-SUB-2020.2 (Gutstein & Burrows)

DATE OF MEETING: December 10, 2021

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: 10% Lot Frontage Waiver Request for Application HO-SUB-2020.2 (Gutstein & Burrows)

RECOMMENDATIONS

1. That, as per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the “Proposed Lot 2” in the subdivision layout plan for HO-SUB-2020.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider exempting one of two lots in a proposed subdivision layout plan for application HO-SUB-2020.2, from Hornby Island Land Use Bylaw (LUB) regulation 6.6(1), in order to permit the lot to have less than a 10% frontage on a highway.

BACKGROUND

The applicant first applied to the Ministry of Transportation and Infrastructure (MOTI) in January 2020, and then the application was forwarded to Islands Trust for review in February 2020, under application number HO-SUB-2020.2. Planning staff reviewed the application and noted in the “Subdivision Referral Report” to MOTI (dated May 5, 2020), that the proposed subdivision would not comply with the LUB Subdivision Regulations, in particular regulation 8.2(9) “...for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.”

This application has been “on hold” since spring 2020. By way of adoption of Bylaw No. 167, regulation 8.2(9) was removed from the LUB and therefore, this Subdivision application HO-SUB-2021.1 was again considered “active” for further review and consideration.

Upon further review, Planning staff identified an additional issue that needed to be addressed for the proposed subdivision layout plan (as shown in Attachment 1, and Figure 2 of this report); i.e. the minimum 10% lot frontage on a highway requirement.

Figure 1: Subject Property



ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 2. The policies and regulations that pertain to this application are summarized below.

Land Use Bylaw (LUB)

Subdivision on Hornby Island is subject to the provisions of the Hornby Island Land Use Bylaw No. 150, 2014. In particular, this Large Lot Residential (R2) property is subject to the Subdivision Regulations, particularly 6.6(1):

PART 6 – SUBDIVISION REGULATIONS

6.6 – Lot Frontage and Lot Shape

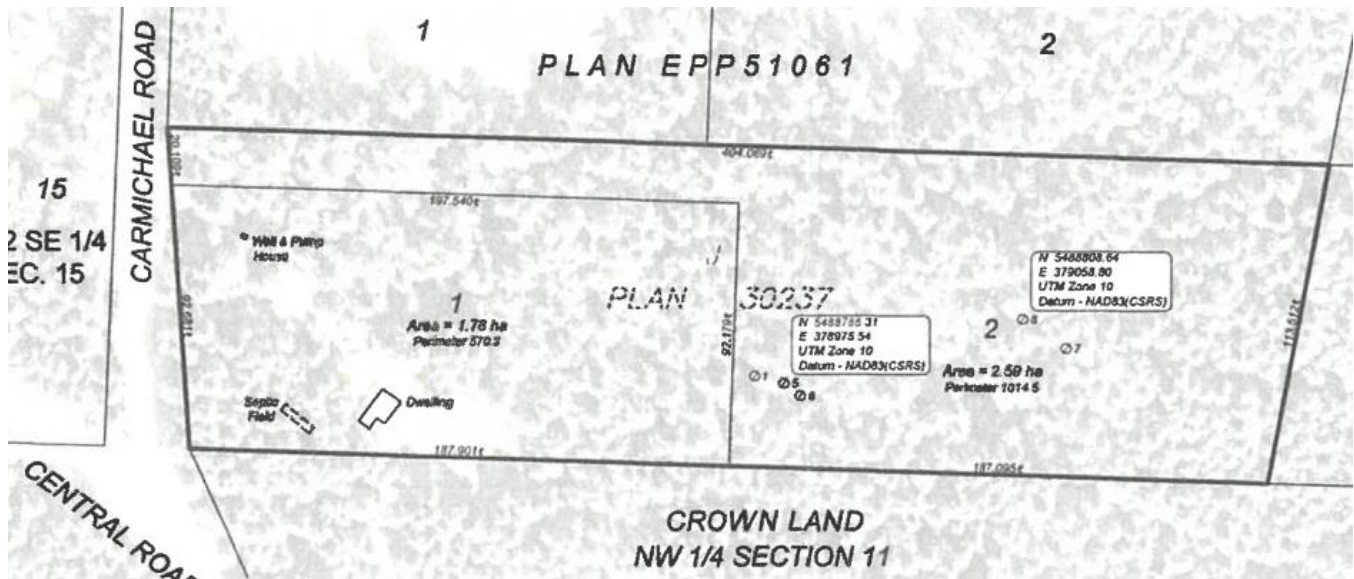
(1) The **frontage on a highway** of any lot in a proposed subdivision and having highway frontage shall be **at least 10% of its perimeter, unless exempted by the Local Trust Committee** pursuant to the Local Government Act.

Where the relevant section of the *Local Government Act* is 512(2) – minimum parcel frontage on a highway; and “highway” is defined in the LUB as: “a public road, lane, bridge and any other way open to public use, but does not include a private right-of-way on private property.”

Figure 2 below shows an excerpt of the proposed subdivision layout plan for the 2 proposed lots: “Proposed Lot 1” (1.78 hectares), and “Proposed Lot 2” (2.59 hectares).

- “Proposed Lot 1” perimeter = 570.3m. 10% = 57.03m. Existing frontage is along Carmichael Road and is 97.68m. Thus, no lot frontage exemption would be required for this proposed lot.
- “Proposed Lot 2” perimeter = 1,014.5m. 10% = 101.45m. This proposed lot is a “panhandle lot”, with an proposed access strip that is 20.11m wide. Therefore, **this proposed lot requires an LTC exemption from regulation 6.6(1).**

Figure 2: Excerpt from Proposed Subdivision Layout Plan



Issues and Opportunities

Panhandle Lots

Creating a “panhandle lot” during subdivision is not an uncommon way to provide lot access, and as such, there are specific subdivision regulations in the Hornby LUB for their creation. As “Proposed Lot 2” is only 2.59 ha in size, it would not be large enough to be further subdivided under the Bylaw (which requires a minimum of 4.0ha in the R2 zone), and therefore LUB regulation 6.6(3) applies:

“If a proposed panhandle lot is not capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 10.0 metres.”

So, the greater than 20m width proposed access strip is more than the width required by the LUB.

Rationale for Recommendation

Given that “Proposed Lot 2” is a panhandle lot, and very few panhandle lots would be able to meet the required minimum 10% lot frontage on a highway, staff feel that exempting “Proposed Lot 2” from meeting the regulation 6.6(1) is reasonable and without anticipated negative impacts. Thus, staff recommend, as on page 1 of this report, that the new “Proposed Lot 2” be exempted from meeting the minimum 10% lot frontage.

Alternatives

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

1. Request further information

The LTC may request further information prior to making a decision. 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 the following information [list] for HO-SUB-2020.2.

2. Deny the exemption request

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

That the Hornby Island Local Trust Committee deny the request to exempt the “Proposed Lot 2” in the subdivision layout plan for HO-SUB-2020.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will proceed with reviewing the subdivision proposal and respond to MOTI with an updated “Subdivision Referral Report” for this proposed subdivision.

Prepared and Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	November 24, 2021
Concurred in By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 25, 2021

ATTACHMENTS

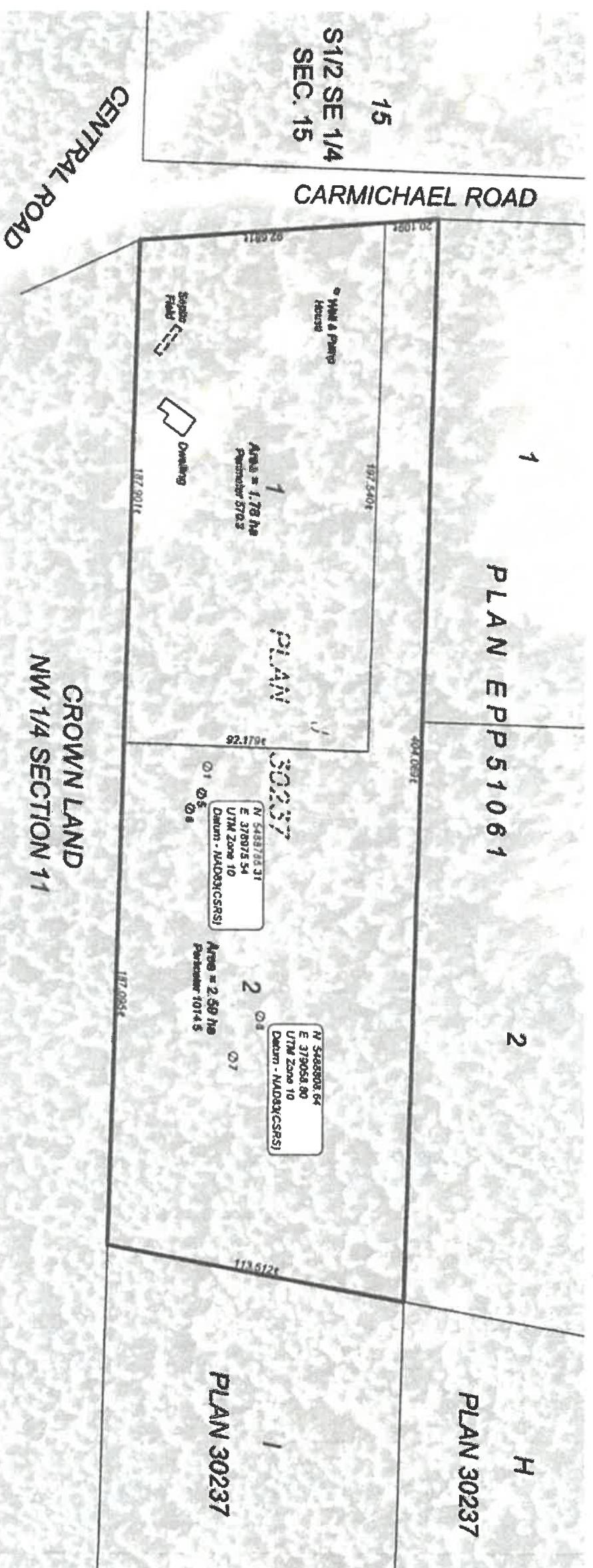
1. Proposed Subdivision Plan
2. Site Context

PROPOSED SUBDIVISION PLAN OF LOT J, SECTION 16,
HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30237.

Parcel Identifier: 000-095-869



Note: All dimensions subject to final survey.

3718-pp5ud
20190605

GRANT LAND SURVEYING INC
520 IDS STREET
COURTENAY B.C. V9N 1P8
WWW.GRANTGEOLOGICS.COM

FILE 371

ATTACHMENT 2 – SITE CONTEXT

HO-SUB-2020.2 (GUTSTEIN & BURROWS)

LOCATION

Legal Description	LOT J, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30237
PID	000-095-869
Civic Address	1410 Carmichael Road, Hornby Island
Lot Size	4.37 hectares (10.79 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to the north and east; Public Use to south; Agricultural to west

HISTORICAL ACTIVITY

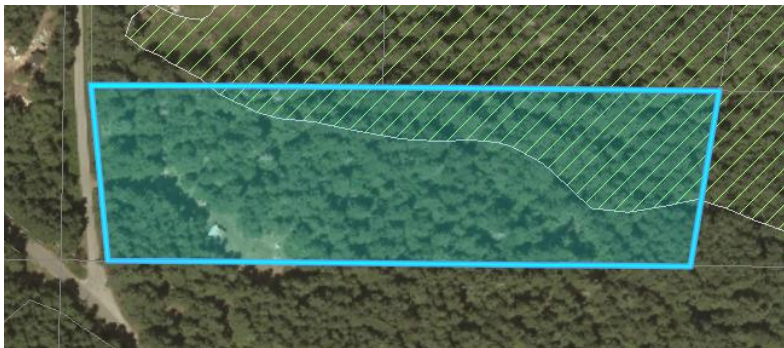
File No.	Purpose
HO-SUB-2012.3	File closed (applicant did not proceed with subdivision)

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) No. 149, 2014	Land Use Designation: RR – Rural Residential OCP Schedule D1 (Environmentally Sensitive Areas): The northeastern portion of the property is mapped as “Secondary Class – Mature Forest” OCP Schedule D2: The property is within the Recharge Zone of Aquifer IIA “Lightly developed, high vulnerability”; though IT Aquifer Intrinsic Vulnerability Mapping classifies this property as a range between “Moderate” and “High” OCP Schedule E – Development Permit Areas: The property is not currently within any DPAs
Hornby Island Land Use Bylaw (LUB) No. 150, 2014	Zone: Residential 2 – Large Lot Residential (R2) The current proposed subdivision layout plan is such that one of the two proposed lots (“Proposed Lot 2”) requires an exemption from the LTC under LUB regulation 6.6(1). PART 6 – SUBDIVISION REGULATIONS 6.6 – Lot Frontage and Lot Shape (1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the Local Government Act. (2) No lot in a proposed subdivision may have a depth greater than three times its width, excluding the width of any panhandle access strip.

	(3) If a proposed panhandle lot is not capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 10.0 metres. (4) If a proposed panhandle lot is capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 20.0 metres
Other Regulations	N/A
Covenants	N/A - Statutory Building Scheme F31999 (1977). Unrelated to Islands Trust.
Bylaw Enforcement	None on file.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	Public SAR occurrence mapped for the Ecological Community of Douglas Fir/dull Oregon-grape, covering the entire property, as shown below: 
Sensitive Ecosystems	The northeastern portion of the property is mapped as “Secondary Class – Mature Forest”: 
Hazard Areas	None mapped.

Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or near to the subject property. 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 the BC 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.
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File No.: HO-SUB-2021.1 (Paterson for Wetzel)

DATE OF MEETING: December 10, 2021

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: 10% Lot Frontage Waiver Request for Application HO-SUB-2021.1 (Paterson/Wetzel)

RECOMMENDATIONS

1. That, per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the “Proposed Western Lot” in the subdivision layout plan for HO-SUB-2021.1 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider exempting one of two lots in a proposed subdivision layout plan for application HO-SUB-2021.1, from Hornby Island Land Use Bylaw (LUB) regulation 6.6(1), in order to permit the lot to have less than a 10% frontage on a highway.

BACKGROUND

The applicant first applied to the Ministry of Transportation and Infrastructure (MOTI) in February 2021, and then the application was forwarded to Islands Trust for review in March 2021, under application number HO-SUB-2021.1. Planning staff began their review of the application and quickly noted that the proposed subdivision would not comply with the LUB Subdivision Regulations, in particular regulation 8.2(9) “...for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.”

Planning staff advised the applicant that the Hornby LTC simultaneously had the “MALA project” on their Top Priority List, and that proposed Bylaw No. 167 was considering removal of regulation 8.2(9) from the LUB. The applicant decided to put Subdivision file HO-SUB-2021.1 “on hold” until Bylaw No. 167 was resolved.

The LTC passed the following resolution by **resolution-without-meeting (RWM) on November 8, 2021:**

“That Hornby Island Local Trust Committee Bylaw No. 167, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”, be adopted.”

By way of adoption of Bylaw No. 167, regulation 8.2(9) was removed from the LUB and therefore, this Subdivision application HO-SUB-2021.1 was again considered “active” for further review and consideration.

Upon further review, Planning staff identified an additional issue that needed to be addressed for the proposed subdivision layout plan (as shown in Attachment 1); i.e. the minimum 10% lot frontage on a highway requirement.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 2. The policies and regulations that pertain to this application are summarized below.

Land Use Bylaw (LUB)

Subdivision on Hornby Island is subject to the provisions of the Hornby Island Land Use Bylaw No. 150, 2014. In particular, this Large Lot Residential (R2) property is subject to the Subdivision Regulations, particularly 6.6(1):

PART 6 – SUBDIVISION REGULATIONS

6.6 – Lot Frontage and Lot Shape

(1) The **frontage on a highway** of any lot in a proposed subdivision and having highway frontage shall be **at least 10% of its perimeter, unless exempted by the Local Trust Committee** pursuant to the Local Government Act.

Where the relevant section of the *Local Government Act* is 512(2) – minimum parcel frontage on a highway; and “highway” is defined in the LUB as: “*a public road, lane, bridge and any other way open to public use, but does not include a private right-of-way on private property.*”

Figure 1 below shows an excerpt of the proposed subdivision layout plan for the 2 proposed lots: “Proposed Western Lot” (5.61 acres) (2.27 hectares), and “Proposed Eastern Lot” (7.08 acres) (2.87 hectares).

- “Proposed Eastern Lot” perimeter = 687.1 m. 10% = 68.71m. Existing frontage is along Belcarra Road and is 131.6m. Thus, no lot frontage exemption would be required for this lot.
- “Proposed Western Lot” perimeter = 627.4m. 10% = 62.74m. In order to provide the necessary road access to this lot, a 64.7m road extension is being proposed to the existing, developed road allowance along Seadollar Road. However, the Proposed Entrance for this lot is much less than the required 10% of the perimeter, and therefore **this proposed lot requires an LTC exemption from regulation 6.6(1).**

Figure 1: Excerpt from Proposed Subdivision Layout Plan



Figure 2: Mapped SAR occurrence overlaid on the subject property



Issues and Opportunities

Species at Risk

As noted in Attachment 2, and shown in Figure 2 above, the subject property is within a known area (public, mapped occurrence) for a Species at Risk (SAR) occurrence: the ecological community of Douglas Fir / dull Oregon-grape. Since subdivision of the current lot is permitted, and therefore future development of a new residential lot would mean vegetation removal within the SAR area, it is preferable to conserve SAR habitat whenever possible.

Rationale for Recommendation

Staff recommend, as on page 1 of this report, that the new “Proposed Western Lot” be exempted from meeting the minimum 10% lot frontage, to minimize the amount of SAR-vegetation removal to provide road access.

Alternatives

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

1. Request further information

The LTC may request further information prior to making a decision. 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 the following information [list] for HO-SUB-2021.1.

2. Deny the exemption request

The LTC may deny the exemption request. Staff advise that the implications of this alternative would be that the applicant would be required to propose to MOTI that Seadollar Road be further extended to allow for a minimum 62.74m of frontage adjacent to the “Proposed Western Lot”. Such a road extension would likely require the removal of additional vegetation in an area that is mapped for a Species at Risk (the ecological community of Douglas Fir / dull Oregon grape).

That the Hornby Island Local Trust Committee deny the request to exempt the “Proposed Western Lot” in the subdivision layout plan for HO-SUB-2021.1 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will proceed with reviewing the subdivision proposal and respond to MOTI with a “Subdivision Referral Report” for this proposed subdivision.

Prepared and Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	November 23, 2021
Concurred in By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 23, 2021

ATTACHMENTS

1. Proposed Subdivision Plan (dated February 15, 2021)
2. Site Context



Development

- Proposed Subdivision Line
- Parcel Entrance
- Parcel Existing
- Parcel Adjacent
- Existing House
- Existing Access
- Proposed Access

Utilities

- Water Well
- - - Power - Buried
- Power - Overhead
- Septic Field

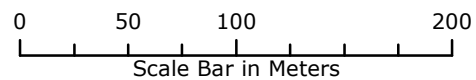
Transportation

- - - Trail

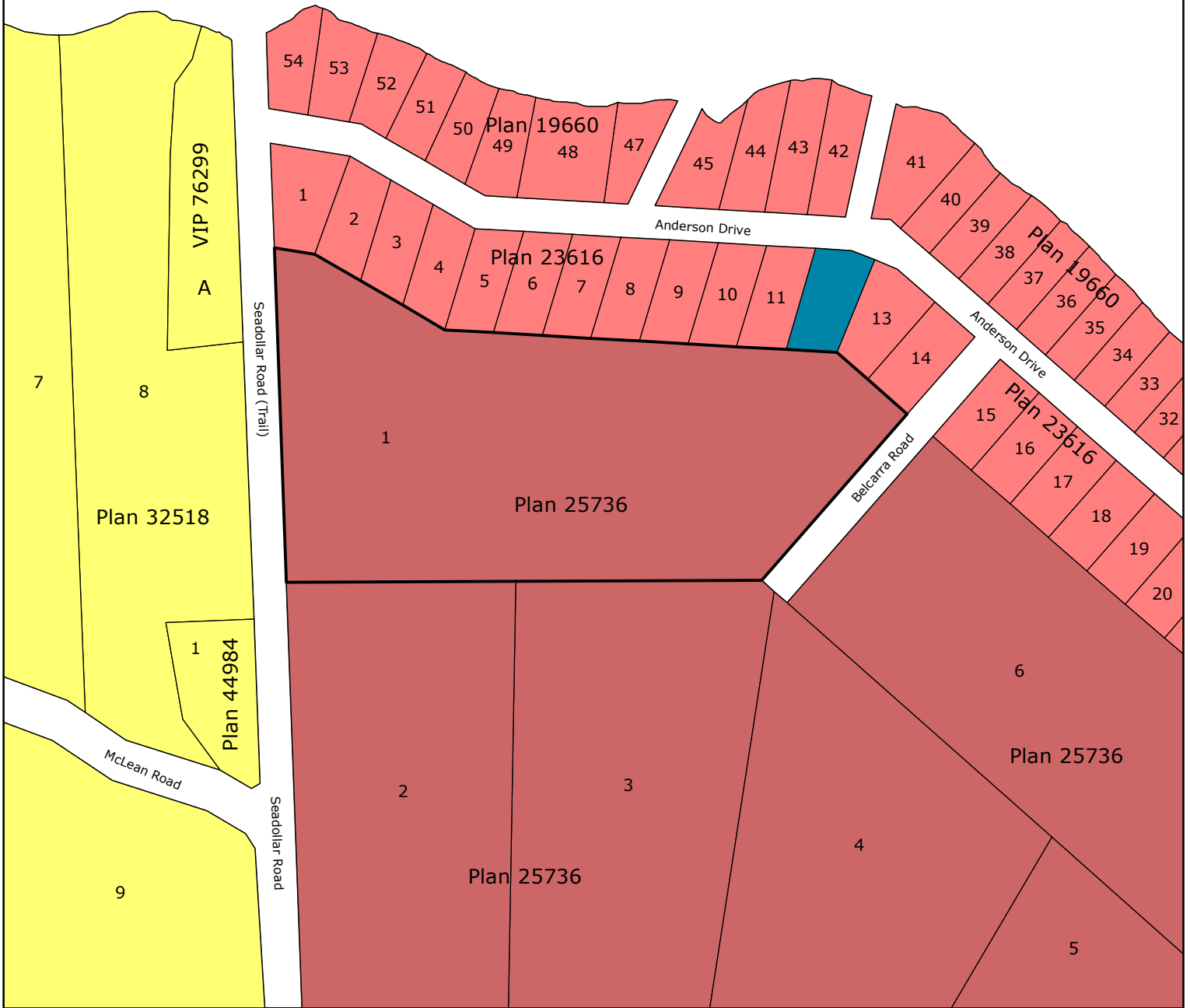
Proposed Subdivision Plan

2025 Belcarra Road, Hornby Island, British Columbia
 PID 002657881
 Lot 1 Plan VIP25736
 Section 9 Land District 32

1:3,500



Coordinate System: NAD 1983 UTM Zone 9N



Development

 Proposed Subdivision

Land Use

-  A1 - Agriculture 1
-  R1(a) - Residential
-  R2 - Residential 2 - Large Lot
-  WS - Water Supply Protection Area

Existing Land Use and Legal Descriptions

2025 Belcarra Road, Hornby Island, British Columbia
PID 002657881
Lot 1 Plan VIP25736
Section 9 Land District 32

1:3,500

0 50 100 200

Scale Bar in Meters

Coordinate System: NAD 1983 UTM Zone 9N

LOCATION

Legal Description	LOT 1, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736
PID	002-657-881
Civic Address	2025 Belcarra Road, Hornby Island
Lot Size	5.12 hectares (12.65 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to the north, east, and south; Agricultural to the west

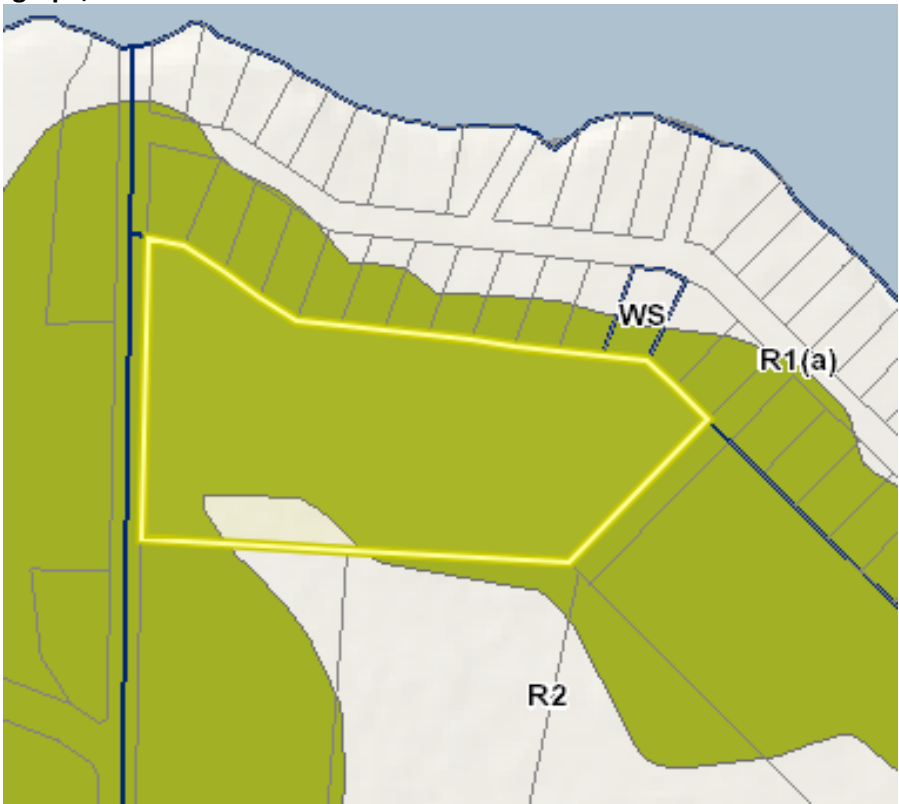
HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2000.19	To construct a caravan, shed, and carport; initially for summer use
HO-SUP-2002.20	To add a house to the existing development
HO-SUP-2004.12	To add a study and woodshed

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) No. 149, 2014	Land Use Designation: RR – Rural Residential OCP Schedule D2: The property is within Aquifer IA “Heavily developed, high vulnerability”; though IT Aquifer Intrinsic Vulnerability Mapping classifies this property as “Moderately High” OCP Schedule E – Development Permit Areas: The property is not currently within any DPAs
Hornby Island Land Use Bylaw (LUB) No. 150, 2014	Zone: Residential 2 – Large Lot Residential (R2) The current proposed subdivision layout plan is such that one of the two proposed lots (currently referred to as the “Western Lot”) requires a waiver from the LTC under LUB regulation 6.6(1). PART 6 – SUBDIVISION REGULATIONS 6.6 – Lot Frontage and Lot Shape (1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the Local Government Act.
Other Regulations	N/A
Covenants	None.
Bylaw Enforcement	There was an active file in 2019, but the file was resolved/closed

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	Public SAR occurrence mapped for the Ecological Community of Douglas Fir/dull Oregon-grape, as shown below: 
Sensitive Ecosystems	None mapped.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or near to the subject property. 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 the BC 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.

File No.: HO-DVP-2021.3
(Wall & Bixby)

DATE OF MEETING: December 10, 2021

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: Development Variance Permit Application
Applicant: Michael McNamara (Blue Sky Design Ltd.)
Location: 4050 Euston Rd (previously 9300 Central Rd)
LOT E, SECTION 2, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 31622
PID 001-149-971

RECOMMENDATION

1. That the Hornby Island Local Trust Committee deny application HO-DVP-2021.3.

REPORT SUMMARY

The purpose of the report is for the Hornby Island Local Trust Committee (LTC) to consider a Development Variance Permit for the siting of two accessory structures (swimming pool and pool shed) within the interior side lot line setback. The variances would reduce the interior side lot line setback from the required 8.0 metres to 3.0 metres for the proposed swimming pool and 5.0 metres for the proposed pool shed.

BACKGROUND

The 2.46 ha (6.08 acre) subject property is located in the southern portion of Hornby Island, on Central Road with access from Euston Road via easement. The application proposes to construct two accessory structures - a 40.5 m² (436 sq.ft.) in-ground swimming pool with a 2.5 to 7 foot depth and 12 m² (129 sq.ft.) pool shed – within the 8 metre interior side lot line setback area.

The applicant has advised staff that rainwater will be collected for pool use and they will use a non-toxic (non-chlorine) water purification system that will utilize salt water solution. The proposed development includes natural landscaping to surround the pool and patio stones installed at grade level. The landowner is coordinating with the Hornby Island Fire Chief to ensure the pool water is accessible during fire emergencies.

Currently, construction is underway on the lot for a residential dwelling unit, carport, studio and sauna, all of which are subject of Siting and Use Permit HO-SUP-2021.13 (issued June 3, 2021).

Staff visited the subject property on September 9, 2021. Maps, plans and site photos are provided in Attachment 2.

A copy of the Notice and draft permit HO-DVP-2021.3 are found in Attachments 3 and 4.

A copy of the applicant's rationale for the application is found in Attachment 5.

The subject property shares a lot line to the north with 4150 Euston Rd. (PID 001-383-698); which is protected under an Islands Trust Conservancy (ITC) and Conservancy Hornby Island held covenant (“Fischer Covenant”). In accordance with ITC Board Policy 3.1, the DVP application was referred to the ITC Board for comment at the November 23, 2021 ITC Board meeting. The ITC referral response is found in Attachment 6.

There are two covenants registered on title of the subject property that protect a prairie (Garry) oak meadow to the east of the proposed siting of the pool and shed. The covenants are held by the Comox Valley Regional District and the Islands Trust, and by the neighbouring lot owner. Staff have found that the proposed development does not appear to violate the covenants registered on title.

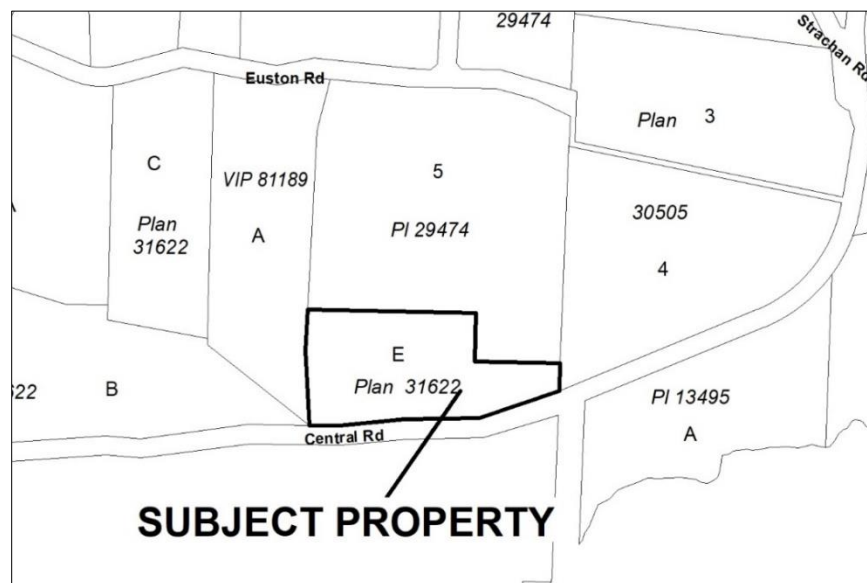


Figure 1. Subject Property Map

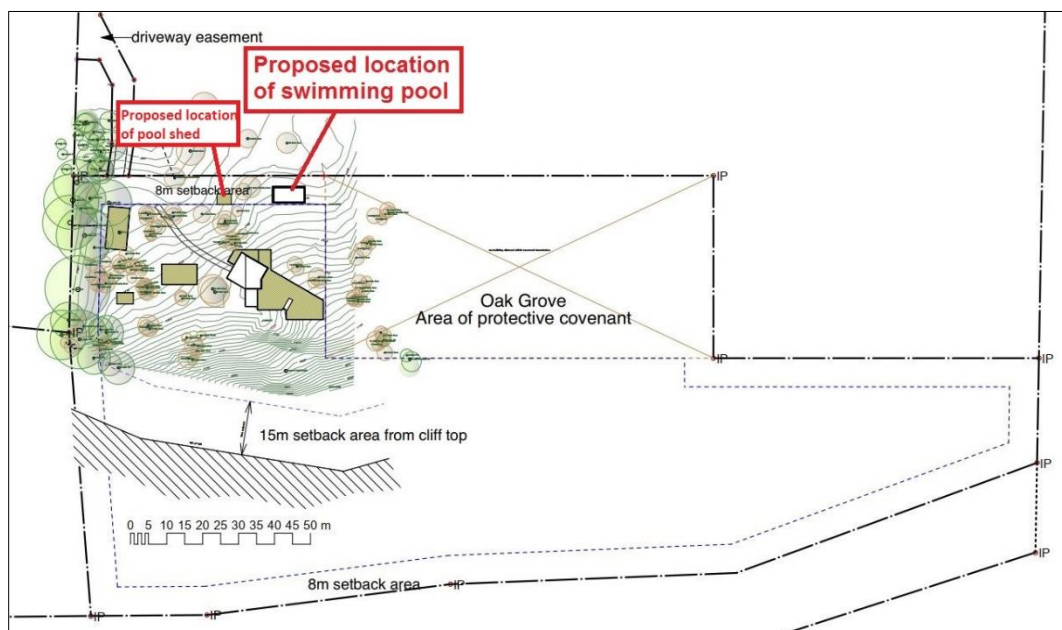


Figure 2. Proposed Location of Swimming Pool and Pool Shed

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated **Rural Residential (R)** in the Hornby Island Official Community Plan (OCP) Bylaw No. 149, 2014. Relevant OCP policies include:

- **Objectives and Policies for All Land Use**

Policy 2.2.1 *In order to preserve the natural ecosystems and biodiversity 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, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:*

- i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;*
- ii) conserving relatively undisturbed natural areas;*
- iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;*
- iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;*
- v) securing connectivity between natural areas whenever the opportunity arises; vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and*
- vii) preventing the spread of invasive species.*

- **Environmentally Sensitive Areas Policy 3.2.5** *Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.*

- **Water Policy 4.5.7** *Alternative water source methods such as rain water catchment, lined dugouts and well reservoirs should be used for large scale uses such as for filling swimming pools.*

The subject property is not within a Development Permit Area.

Land Use Bylaw:

The subject property is zoned **Residential 2 – Large Lot (R2)** in the Hornby Island Land Use Bylaw No. 150, 2014 (LUB). The residential use of the property complies with the LUB. Permitted buildings and structures in the RR zone include accessory buildings and structures.

Section 8.2(4) of the LUB provides the following setback requirements in the RR zone:

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

- (a) 8.0 metres from a front lot line;*
- (b) 8.0 metres from a rear lot line;*
- (c) 8.0 metres from any interior side lot line; and***
- (d) 8.0 metres from any exterior side lot line.*

The application proposes to vary Section 8.2(4)(c) to reduce the setback to 3.0 metres for the proposed swimming pool and 5.0 metres for the proposed pool shed.

Issues and Opportunities

Impact on Neighbouring Properties

The proposed siting of the pool and shed would reduce the interior side lot line setback to 3 metres and 5 metres from the neighbouring property to the north, 4150 Euston Rd. (PID 001-383-698), which is protected under an Islands Trust Conservancy (ITC) and Conservancy Hornby Island held covenant (“Fischer Covenant”). The Fischer Covenant is considered significant for the rare prairie (Garry) oak ecosystems and species at risk it protects, and covers approx. 6.12 ha of the neighbouring lot.

Figure 3. Orthophoto of Subject Property (yellow); approx. location of proposed variance (black arrow); Fischer Covenant Area on neighbouring lot (green).



The applicant has stated the proposed location of the pool and shed is free of oak trees on the lot, is in a relatively level area on an overall sloping topography, and is uphill from the septic field. While the proposed location of the pool and shed is intended to limit impacts to the protected oak trees throughout the site, the variance would site the swimming pool 3 metres from the protected Fischer Covenant area. In relation to the proximity of the proposed swimming pool and pool shed to the Fischer Covenant area, ITC staff have identified the following concerns in the [Request for Decision](#) (page 70) to the ITC Board at the November 23, 2021 meeting:

- 1) Changes to surface and subsurface hydrology, affecting health of flora and of ecosystem processes;
- 2) Potential direct impacts to trees and shrubs in the covenant area, by damaging root systems;
- 3) Potential impact of splash, spillover, or seep from treated water onto the surrounding soil and vegetation, which could favour invasive species or otherwise alter diversity and ecosystem processes;
- 4) Impacts of noise and light disturbance on protected wildlife habitat;
- 5) Potential death and injury to wildlife from falling into the pool (e.g. insect species that forage in prairie oak meadows);
- 6) Potential creep from use of surrounding areas (i.e. risk of trespass with associated impacts of soil compaction, trampling of vegetation, and introduction of invasive species, and potential for more severe impacts); and,
- 7) Potential introduction of invasive species into the covenant area from equipment used to construct the pool, patio, and shed, and from ongoing use so close to the boundary.

Sensitive Ecosystems and Species at Risk

Islands Trust mapping identifies the following sensitive ecosystems on the lot: Herbaceous, Woodland and Cliff ecosystems. According to the ITC [Sensitive Ecosystems Guide](#), these ecosystems are considered fragile and

provide important habitat to a wide variety of species. Recommendations to reduce impacts include limiting access and/or avoiding development to prevent soil and vegetation damage, creating vegetation buffers and controlling invasive species. Where sensitive ecosystems are identified on lots, private landowners are encouraged to consult best management practices to protect natural features, sensitive ecosystems and habitats during development.

Prairie oak and associated ecosystems are high in biodiversity and considered to be one of the most rare and fragile habitats, and are easily disturbed by human impacts. Prairie oak ecosystems are associated with several species at risk (SAR), some of which have been identified on the subject property (see Attachment 1). According to the [Best-Management-Practices-for Garry Oak & Associated Ecosystems](#) (GOERT, 2013), setbacks are one way a local government can protect natural features.

The Hornby LUB does not currently require a setback or buffer from sensitive ecosystems or certain habitats, aside from setbacks from the natural boundary of waterbodies (lakes, watercourses, the sea).

Carport Siting - Correction

There exists a discrepancy on the survey plan by Peter Mason (BCLS), dated October 27, 2021, and the site plan by Blue Sky Design, dated July 5, 2021, for the siting of the existing carport. On the survey plan, the carport is measured 7.2 metres from the interior side lot line, while the site plan measures the carport 8.6 metres from the interior side lot line. According to the applicant and the surveyor, at the time the survey was conducted, there were partial footings in place and the building had not yet been constructed. Now constructed, the applicant has conducted an on-site measurement and found that the carport is measured “just under” 8.5 metres from the interior side lot line and is outside of the 8 metre setback area.

Should the LTC issue the variance, staff recommend amending the draft permit by attaching a copy of the site plan by Blue Sky Design to the permit (see Attachment 2), and including a note on the attached survey plan stating the correct measurement.

Intent of the Regulation Being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area;
- Limiting the impact of development on adjacent properties;
- Establishing a consistent development pattern within a local area;
- Maintaining a rural character;
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Lot line setbacks provide an open area between buildings and structures and lot boundaries. Required setback minimums can be used to maintain space between buildings and structures to allow access for sunlight, to provide separation for fire safety or to mitigate nuisances (i.e. noise). Alternately, required setback minimums can be used to encourage construction away from steep or hazardous slopes or to provide a buffer between buildings and structures and natural features or important habitats.

As noted, setback regulations in the Hornby LUB do not consider setbacks from sensitive ecosystems or habitats aside from watercourses and the natural boundary of the sea.

Potential Impacts of Granting a Variance

Potential impacts resulting from issuance of a variance include the following impacts to the Fisher Covenant area on the neighbouring lot: changes to surface and subsurface hydrology; damage to root systems; potential impacts

of splash, spillover, or seep from treated water onto the surrounding soil and vegetation; noise and light disturbance on protected wildlife habitat; potential death and injury to wildlife from falling into the pool; risk of trespass and associated impacts of soil compaction, trampling of vegetation, and introduction of invasive species; potential introduction of invasive species into the covenant area from equipment used to construct the pool, patio, and shed, and from ongoing use so close to the lot boundary.

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

Consultation

Islands Trust Conservancy

In accordance with ITC Board Policy 3.1, which requires that DVP applications that directly affects a property adjacent to an ITC-owned property or ITC conservation covenant shall be referred to the ITC Board for comment. The application was forwarded to the ITC Board at the November 23, 2021 ITC Board meeting. The ITC Board passed the following resolutions in response to the referral:

ITC-2021-052

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to draft a letter to the Hornby Island Local Trust Committee regarding HO-DVP-2021.3:

- a. indicating that the Board recommends that the Development Variance Permit be declined because the distance of the proposed development from the Fischer Covenant is an insufficient setback from the protected prairie oak (Garry oak) habitat; and,*
- b. recommending that the Hornby Island Local Trust Committee encourage the landowner to cancel their plans for construction of a pool in prairie oak habitat.*

ITC-2021-053

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant be required to:

- a. install a barrier within their property line that does not significantly shade the covenant area, is not a collision risk for birds, and prevents trespass into, and impacts to, the covenant area;*
- b. install temporary fencing during construction to prevent trespass into the covenant area; and,*
- c. dispose of the fill from any excavation away from the property to avoid covering sensitive habitats and to prevent establishment of invasive plants.*

ITC-2021-054

It was MOVED and SECONDED, *that the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant be required to dispose of concrete washout (cleaning of equipment, tools, and chutes) off site to the place of origin.*

See Attachment 6 for a copy of the ITC referral response. **First Nations**

A notification letter informing K'ómoks First Nation of the DVP application was sent via email on August 25, 2021. At the time of this report, no response has been received.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide the applicants and/or property owners with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the property owner.

Public Notification

DVP notices were circulated to surrounding property owners and residents on November 22, 2021. The notification period ends at 4:00 p.m. on December 9, 2021.

At the time of this report, no public submission has been received. Any comments received subsequently will be forwarded to the LTC.

Rationale for Recommendation

The recommendation on page 1 is supported by the following reasons:

- OCP Policy 2.2.1 requires that the following be addressed when considering permit applications: protecting identified sensitive ecosystems and important habitats from adverse effects of development and that native vegetation be retained, especially along lot lines.
- OCP Policy 3.2.5 encourages protecting sensitive ecosystems and important habitat by Development Permit Area and including buffer areas. While there are no DPAs on the subject property and no LUB regulation requiring a buffer, reducing the 8.0 metre lot line setback appears to be contrary to the intent of this policy.
- In the absence of no regulations that require a buffer and no DPAs on the subject property, the 8 metre lot line setback provides the only protection between development on the subject property and the protected covenant area on the neighbouring lot. [Best-Management-Practices for Garry Oak & Associated Ecosystems](#) (GOERT, 2013) identify setbacks as one way a local government can protect natural features.
- The distance of the proposed development from the neighbouring lot, and the area protected by the Fischer Covenant, is considered to be insufficient and may result in unintended negative impacts to the sensitive prairie oak habitat the conservation covenant protects.
- The applicants may consider other potential locations on the subject property that would increase the distance between the proposed development and the Fischer Covenant and the protected prairie oak ecosystem and species at risk it protects.

ALTERNATIVES

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

1. Approve the application

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

That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit application HO-DVP-2021.3 (Wall & Bixby).

2. LTC consider amendments to the application, ITC recommendations

The LTC may consider recommendations made by the ITC to reduce impacts to the covenant area, prior to approving the application. If selecting this alternative, the LTC may encourage the landowner to consult the ITC Board resolutions ITC-2021-053 and ITC-2021-054. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request the applicant amend the application HO-DVP-2021.3 to incorporate recommendations in the Islands Trust Conservancy Board resolutions ITC-2021-053 and ITC-2021-054, and present those amendments at a subsequent Local Trust Committee for consideration.

3. Request further information

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

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust [information requested to be provided by LTC].

NEXT STEPS

A Siting and Use Permit (SUP) is required for the proposed swimming pool, as it meets the definition of “structure” provided in the LUB. A review of the proposed siting of the swimming pool will be conducted upon submission of a SUP application.

Submitted By:	Jaime Dubyna Island Planner	November 26, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 29, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit
5. Applicant Letter, dated July 2, 2021
6. Islands Trust Conservancy Board Letter, dated November 25, 2021

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT E, SECTION 2, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 31622
PID	001-149-971
Civic Address	4050 Euston Rd. (previously 9300 Central Rd.)
Lot Size	2.46 ha (6.08 ha)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2021.13	Construction of a single family dwelling, 3 accessory buildings and associated septic system.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated Rural Residential – RR in the Hornby Island Official Community Plan Bylaw No. 149, 2014. Development Permit Area: None
Land Use Bylaw	The subject property is zoned Large Lot Residential – R2 in the Hornby Island Land Use Bylaw No. 150, 2014. 8.2(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (c) 8.0 metres from any interior side lot line; <i>structure means 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</i>
Other Regulations	None
Covenants	- Restrictive Covenant G36354 (Province – MOTI) – not remove, trim or prune any (Garry) oak trees without prior written consent of the RD of Comox-Strathcona and of the Islands Trust. - Restrictive Covenant J118502 (with owner of Lot 5, Plan 29474) – not build, construct or place any building, improvement or other structure on the covenant area, as so described. - Easement CA3601594 – (ingress & egress on Lot 5, Plan 29474; PID 001-383-698) – driveway easement.
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	Property sharing a lot line to the north (PID 001-383-698) protected under ITC and Conservancy Hornby covenant (Fischer covenant). Table 1 in ITC Board Policy 3.1 notes that Development Variance Permit (DVP) applications that directly affects a property adjacent to an ITC owned property or conservation covenant shall be referred to the ITC Board for comment. Staff have referred the application to the ITC Board. Comments received are provided in the staff report dated December 10, 2021.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is HIGH on the subject property.
Species at Risk	Islands Trust mapping indicates the following SAR: • Taylor's checkerspot (<i>Euphydryas editha taylori</i>) species occurrence; • Propertius Duskywing (<i>Erynnis propertius</i>) species occurrence; • Little Brown Myotis (<i>Myotis lucifugus</i>) critical habitat; • Northern Myotis (<i>Myotis septentrionalis</i>) critical habitat. The proposed SARA Recovery Strategy for Multi-Species at Risk in Maritime Meadows associated with Garry Oak Ecosystems in Canada, which includes Taylor's checkerspot, identifies the following ecosystem threats: • habitat destruction, such as livestock grazing, pesticide and herbicide use, mowing and other maintenance activities; • changes to hydrology; • invasive species. It is noted that habitat fragmentation limits the availability of foodplants for butterflies. The SARA Recovery Strategy for Little Brown Myotis, Northern Myotis and Tri-colored Bay in Canada includes habitat loss and degradation, disturbance or harm, pollution and climate change as threats to both Little Brown Myotis and Northern Myotis. Islands Trust mapping indicates a Douglas-fir/Dull Oregon grape (<i>Pseudotsuga menziesii</i>/<i>Mahonia nervosa</i>) ecological community on a portion of the subject property.
Sensitive Ecosystems	Islands Trust mapping indicates areas of the subject property within the following sensitive ecosystems: • Herbaceous • Woodland • Cliff The Islands Trust Conservancy "Sensitive Ecosystem Guide" provides the following: • Herbaceous ecosystems are small, fragile ecosystems that provide "specialized micro-habitats for many species of rare butterflies, wildflowers and lichens." Recommended protection measures include limiting access and avoiding development to prevent soil and vegetation damage, creating vegetation buffers using native species, preventing

	disturbance of nesting or breeding areas and allowing natural seasonal moisture variations to continue by restricting human inputs (such as septic discharge and garden watering). • Woodland ecosystems are among the most sensitive and biologically diverse ecosystems in the Islands Trust Area, providing habitat to a wide variety of plants, insects, reptiles and birds. Specifically, Garry Oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia. To reduce impacts, recommended protection measures include limiting access and avoiding development to prevent vegetation damage, actively controlling invasive species, and preventing (livestock grazing) to avoid soil compaction and erosion. • Cliff ecosystems are rare and provide important habitat for many species. Inland cliffs occur where mass erosion has occurred. Recommended protection measures include preventing disturbance of nesting or breeding areas, control of invasive species and creating vegetative buffering to limit access.
Hazard Areas	Schedule F of Hornby Island OCP indicates Hazardous Slope Areas on the lot (>30% slope). Proposal would avoid the identified hazardous area on the subject property.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not indicate registered archaeological sites within the property or within 100 metres. Notwithstanding, by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC 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. Staff have provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information.
Climate Change Adaptation and Mitigation	Potential GHG emissions may result from shipping materials and during construction of the proposed pool and shed. No tree removal is proposed. Owner coordinating with Hornby Island Fire Rescue to provide access to the pool water for fire suppression.
Groundwater Vulnerability	Low
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO



2.2 HAZARD MAPPING



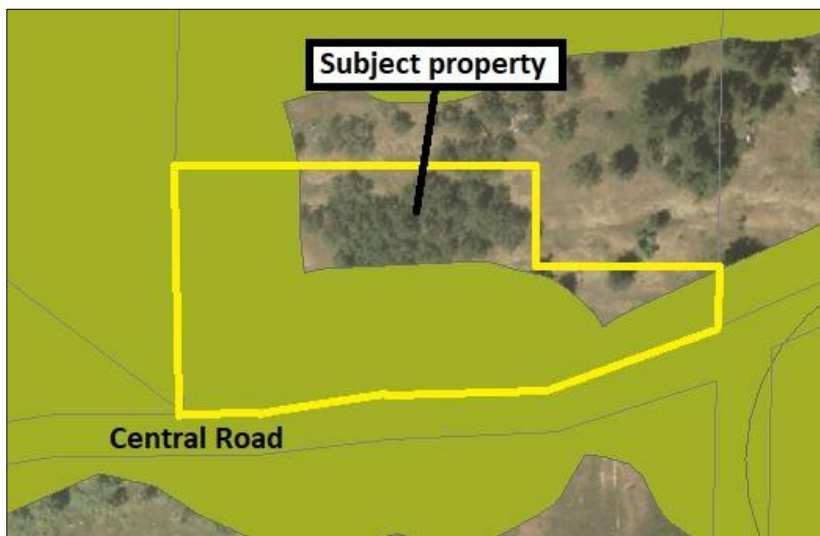
Excerpt from Schedule F of OCP

2.3 SENSITIVE ECOSYSTEM MAPPING



Herbaceous (solid purple), Woodland (solid dark green), Cliff (red hash mark)

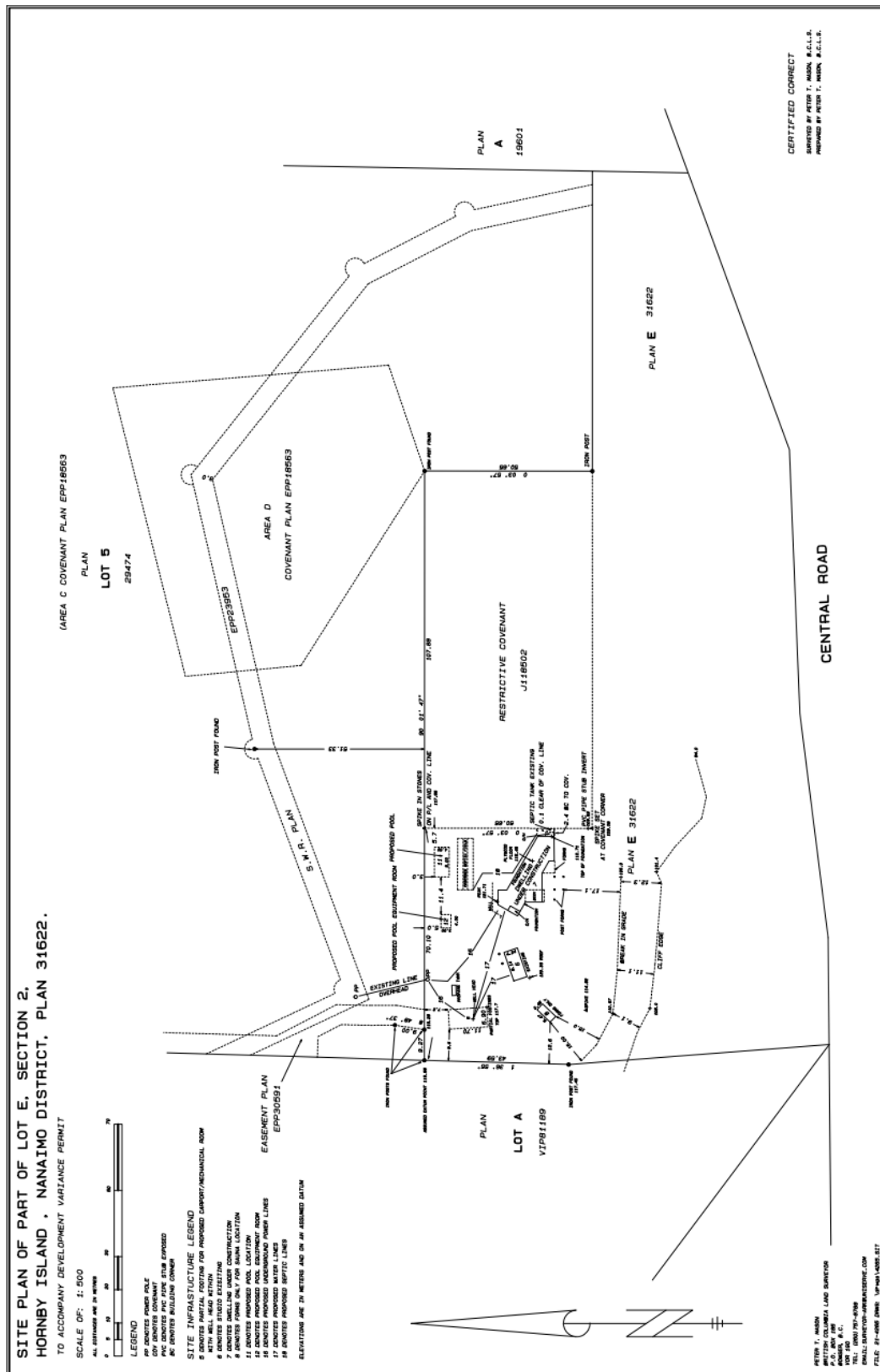
2.4 SPECIES AT RISK MAPPING



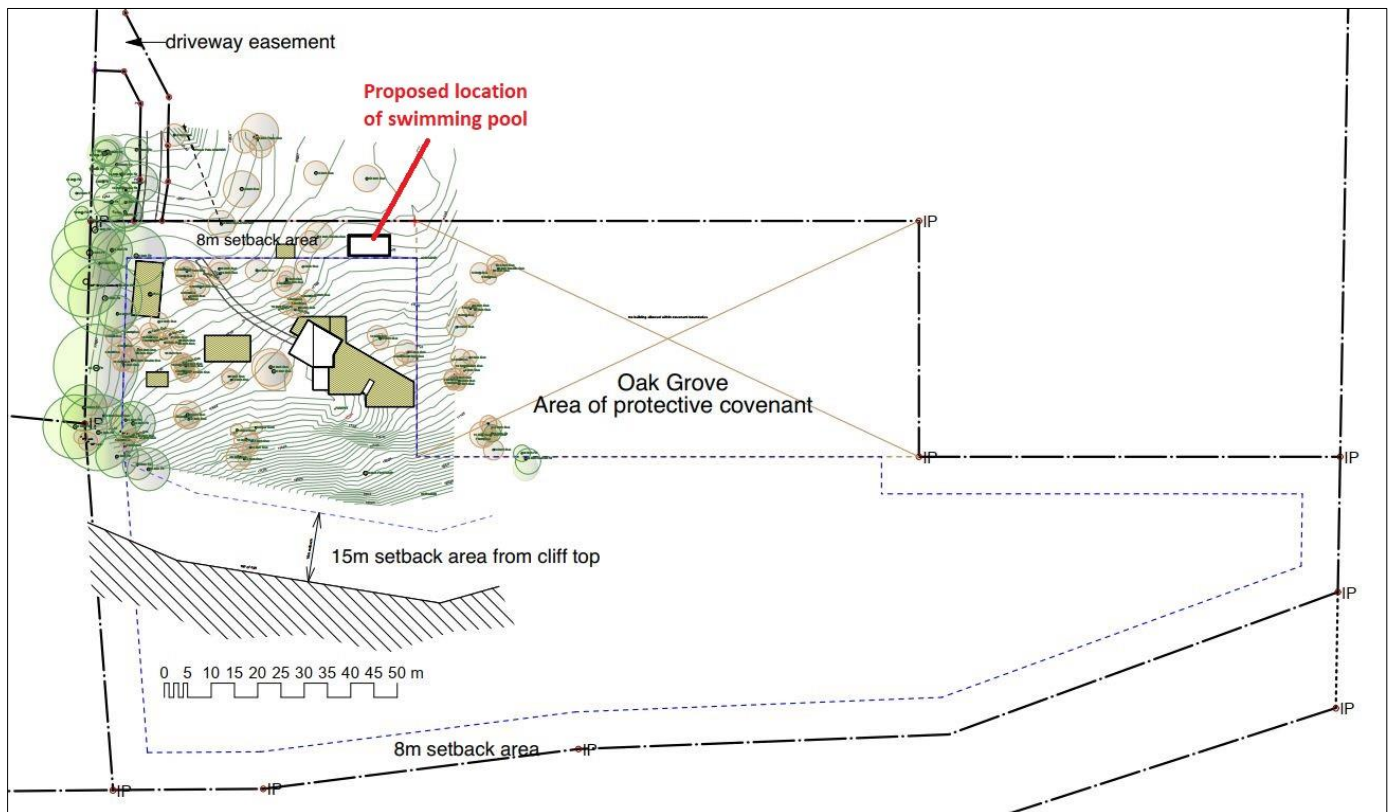
Douglas-fir/Dull Oregon grape ecological community (in green)

Islands Trust

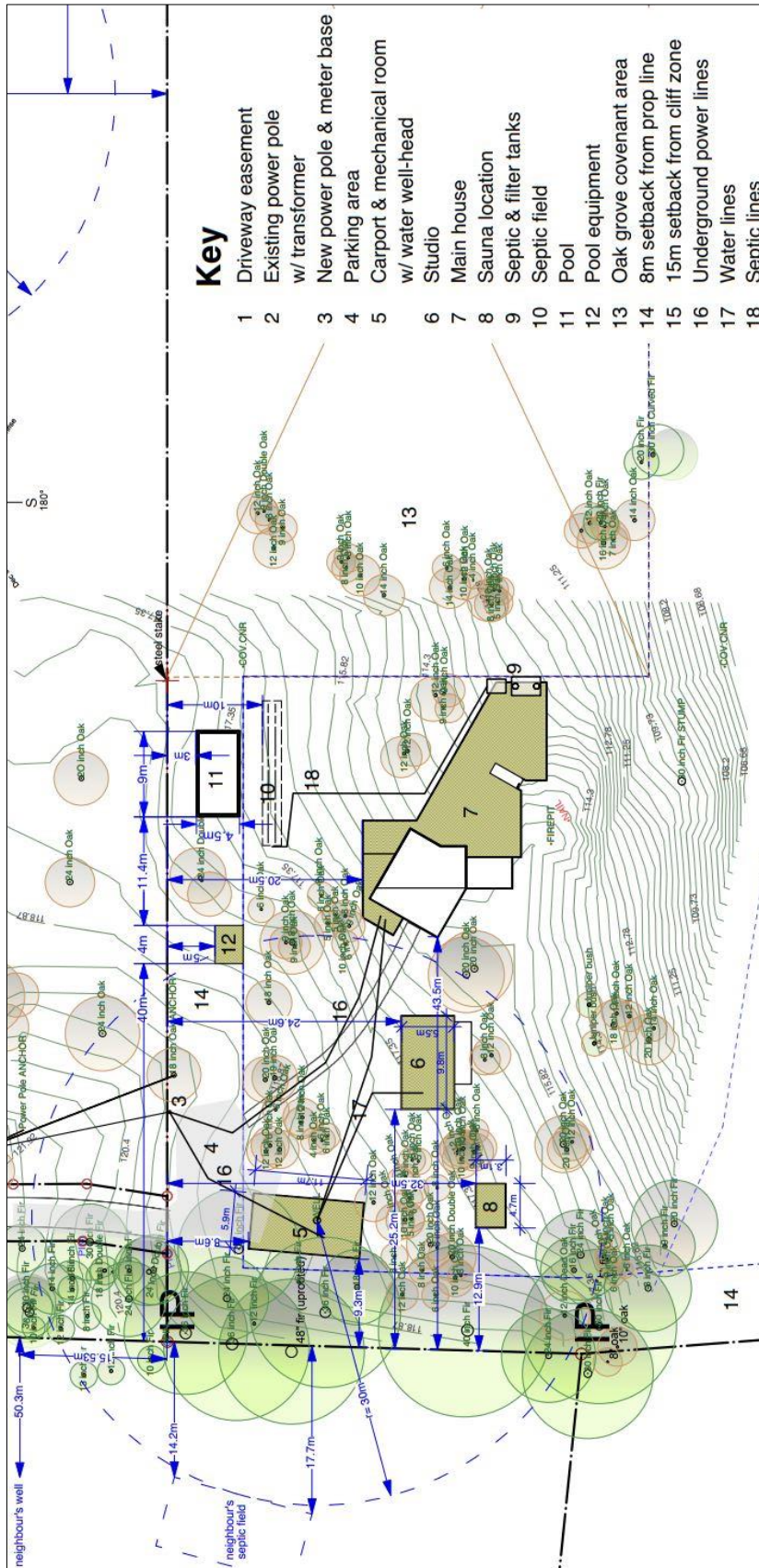
Staff Report



2.6 SITE PLAN



2.7 SITE PLAN DETAIL



2.8 SITE PHOTOS



FIGURE 1. APPROX. LOCATION OF LOT LINE (LEFT); FISCHER COVENANT AREA TO LEFT AND BACKGROUND



FIGURE 2. PROPOSED LOCATION OF POOL AND SHED



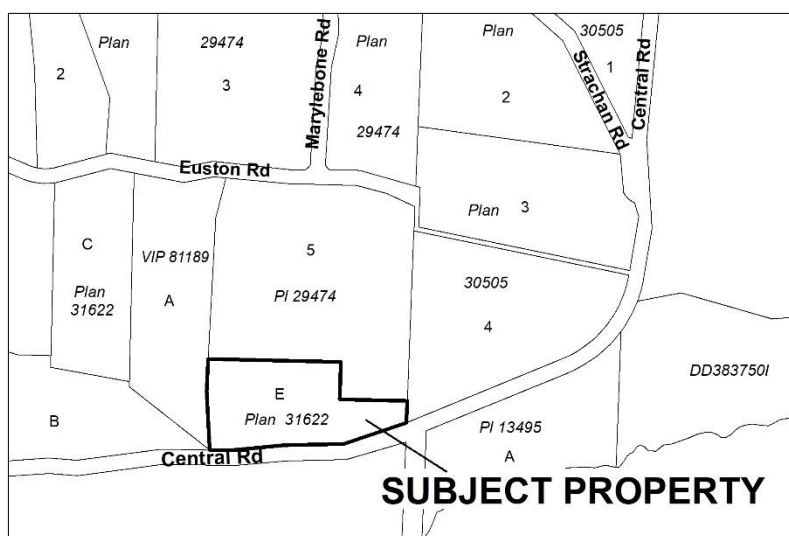
FIGURE 3. APPROX. LOCATION OF SEPTIC FIELD (RESTRICTIVE COVENANT J118502 AREA IN BACKGROUND)

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

- The minimum interior side lot line setback would be varied to permit the siting of an accessory structure (swimming pool) from the required 8 metres to 3 metres from the interior side lot line; and
- The minimum interior side lot line setback would be varied to permit the siting of an accessory building (pool shed) from the required 8 metres to 5 metres from the interior side lot line.

The property is located at **9300 Central Road** and is legally described as LOT E, SECTION 2, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 31622 (PID: 001-149-971).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, B.C. V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Tuesday to Thursday inclusive, excluding statutory holidays, and on the Islands Trust website: <https://islandstrust.bc.ca/island-planning/hornby/current-applications/>, commencing **November 26, 2021** and continuing up to and including **December 9, 2021**.

Enquiries or comments should be directed to Jaime Dubyna, Island Planner, at (250) 247-2212, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC at 1-800-663-7867; or by fax (250) 247-7514; or by email to: northinfo@islandstrust.bc.ca before 4:00 pm, **December 9, 2021**.

The Hornby Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, at Room to Grow, 2100 Sollans Road, on Friday, December 10, 2021**.

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

Becky McErlean, Deputy Secretary



Islands Trust

**HORNBY LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2021.3**

To: Shannon Wall and Johnathan Bixby
c/o Michael McNamara (Blue Sky Design Ltd.)

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

PID: 001-149-971

Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622

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

- a) PART 8 ZONE REGULATIONS, Section 8.2 Residential 2 – Large Lot (R2) Zone, Subsection ‘Siting and Size’, Article (4)(c), which states that **“The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (c) 8.0 metres from any interior side lot line”** is varied to permit the construction of:

- an accessory structure (swimming pool) within **3.0 metres of the interior side lot line**, and
- an accessory building (pool shed) within **5.0 metres of the interior side lot line**.

The development shall be consistent with Schedules ‘A’ and ‘B’ which are attached to and form part of this permit.

3. This permit is not a building permit or a Siting and Use Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Hornby Island Land Use Bylaw No. 150, 2014 and to obtain other approvals necessary for completion of the proposed development, including approval of the Comox Valley Regional District and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

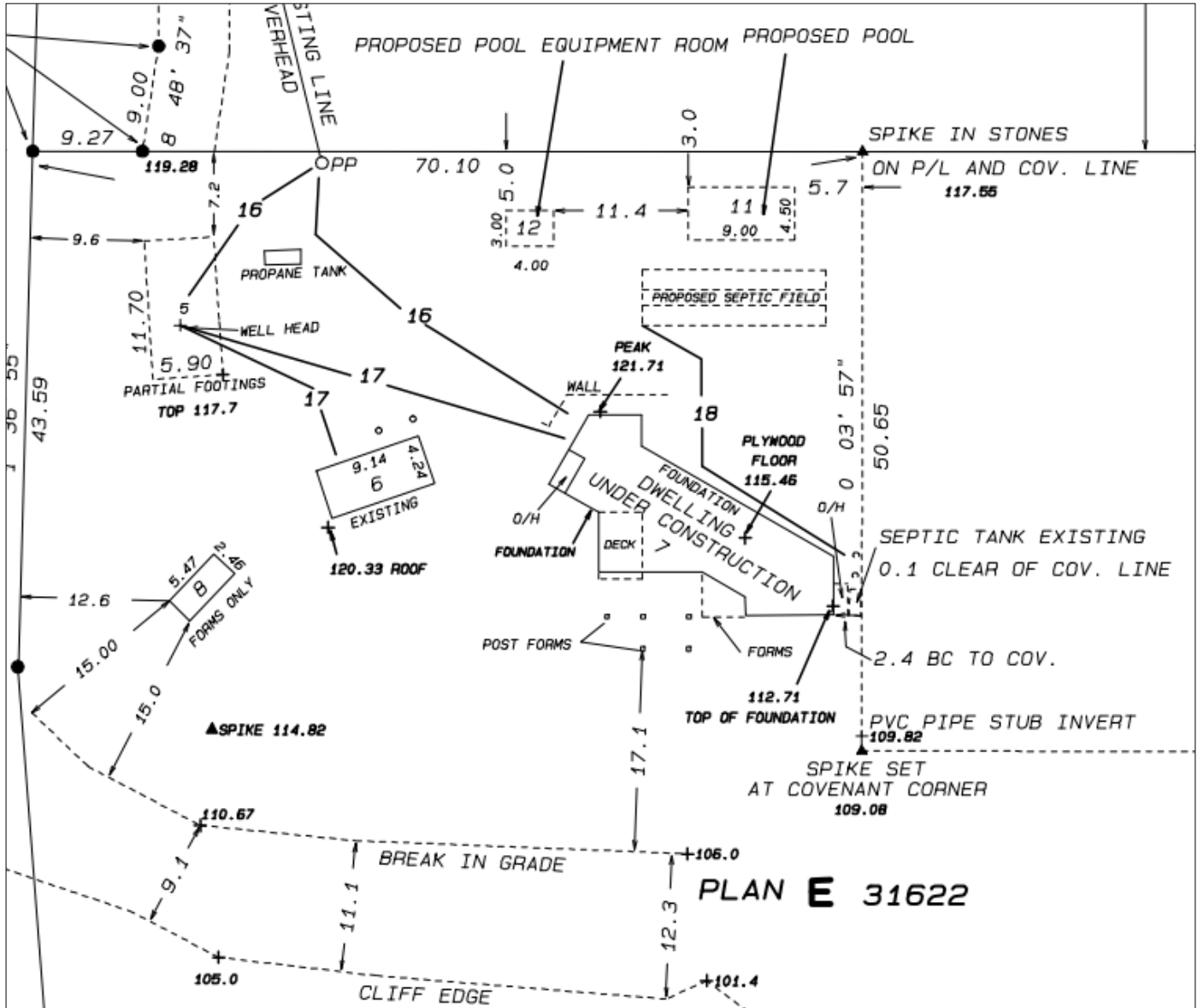
Date of Issuance

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

HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2021.3

SCHEDULE 'B'



Friday, July 2, 2021

Islands Trust
Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Applicant: Jonathan & Shannon Bixby
Address: 9300 Central Road, Hornby Island
Zoning: Residential - R2
Section of Zoning Bylaw: Part 8.2 Zone Regulations, Residential 2 - Large Lot, Section 4.A (Siting and Size)

1. Statement of Ownership and Interest

- a. The Applicant is the owner of the property situated at 9300 Central Road
- b. The legal description of the property is as follows: Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622

2. Request

- a. Description and purpose of use restriction(s) sought to be varied: A relaxation in the setback requirements from 8 meters to 3 meters on the Northside of the lot for the pool itself, and 5 meters for a pool equipment shed.
- c. Statement of variance sought: Part 8.2 Zone Regulations, Residential 2 - Large Lot, Section 4.A (Siting and Size)

3. Background Information

The applicants are proposing to construct a 4.5m by 9m in-ground swimming pool that would be approximately 3 meters from the property line on the Northern boundary of the lot, along with a 3m by 4m pool equipment shed 5m from the Northern boundary of the lot. The proposed pool sits on a property that is 2.468 ha in size, but due to the location of the dwelling, septic tanks and field, proliferation of oak trees, and topography of the lot, the proposed pool location would be 3 meters from the property line instead of the required 8 meters. The pool equipment shed would be located 5m from the north property line.

The principal reason for locating the pool in this area is the proliferation of protected Oak trees throughout the site, as well as the overall sloping topography. This pool location is in a relatively level zone, a grassy meadow free of Oak trees. Also, this location is uphill from the septic field which allows it to be well integrated and visually unobtrusive.

As a tool for fire suppression in an area vulnerable to wildfires, the proposed in-ground pool will hold in excess of 14,000 gallons of water. In coordination with the local Fire Chief, Doug Chinnery, the pool will be easily accessible for a portable pump and would be a valuable fire fighting resource that would be a benefit to the area. In addition, the applicants are undergoing the process of changing the address to 4050 Euston Road, as directed by Doug Chinnery, to ensure the property will be accessible to emergency services through the primary access road to the property.

The pool would feature natural landscaping, and be treated as an integral part of the landscape using patio stones at grade level rather than a raised wooden deck for the pool surround. The applicants are committed to using a non-toxic water purification system to ensure we are not introducing chlorinated water into a highly sensitive environment and to collect rainwater for use in the pool.

4. Natural Features

- Flood Plain: The proposed structures are not within an identified flood plain
- Cliff/Steep Slopes: The proposed structure would be within all required setbacks of the steep slopes and cliff on the property
- Drainage: Pool drainage would be dispersed into the surrounding treed landscape.

November 25, 2021

Attention: Jaime Dubyna, Island Planner, via email - jdubyna@islandstrust.bc.ca
Regarding: Referral of Development Variance Permit, HO-DVP-2021.3

Dear Planner Dubyna,

The Islands Trust Conservancy Board met on November 23, 2021 and considered the referral of the Development Variance Permit application for 9300 Central Road (Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622, PID 001-149-971) (application number HO-DVP-2021.3). The application is adjacent to an Islands Trust Conservancy conservation covenant, which is co-held by the Conservancy Hornby Island. The purpose of the conservation covenant is to protect the natural features of the area, including its prairie oak (Garry oak) ecosystems.

Hornby Island represents some of the northernmost range of the prairie oak ecosystem and these areas are very sensitive to disturbance. For this reason, the ITC Board was concerned about the proximity of the proposed development to its conservation covenant area and passed the following resolutions in response to the referral:

ITC-2021-052

It was MOVED and SECONDED,

That the Islands Trust Conservancy Board direct staff to draft a letter to the Hornby Island Local Trust Committee regarding HO-DVP-2021.3:

- a. indicating that the Board recommends that the Development Variance Permit be declined because the distance of the proposed development from the Fischer Covenant is an insufficient setback from the protected prairie oak (Garry oak) habitat; and,*
- b. recommending that the Hornby Island Local Trust Committee encourage the landowner to cancel their plans for construction of a pool in prairie oak habitat.*

ITC-2021-053

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant be required to:

- a. install a barrier within their property line that does not significantly shade the covenant area, is not a collision risk for birds, and prevents trespass into, and impacts to, the covenant area;*
- b. install temporary fencing during construction to prevent trespass into the covenant area; and,*
- c. dispose of the fill from any excavation away from the property to avoid covering sensitive habitats and to prevent establishment of invasive plants.*

ITC-2021-054

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant

be required to dispose of concrete washout (cleaning of equipment, tools, and chutes) off site to the place of origin.

The information provided to the ITC Board is available online in the November 23, 2021 meeting package at <https://islandstrust.bc.ca/event/islands-trust-conservancy-board-meeting-5/>. You may also find the Best Management Practices for Garry Oak and Associated Ecosystems, produced by the Garry Oak Ecosystem Recovery Team a useful reference document. It can be found at <https://goert.ca/wp/wp-content/uploads/GOERT-Best-Management-Practices-2013.pdf>.

Should you need any further detail or have any questions, please do not hesitate to contact me.

Sincerely,



Kate Emmings
Manager, Islands Trust Conservancy
250-405-5191, kemmings@islandstrust.bc.ca

ec. Conservancy Hornby Island, chihornby@gmail.com

File No.: HO-DVP-2021.2 (Wiig)

(x ref HO-SUP-2021.7)

DATE OF MEETING: December 10, 2021

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: **Request for waiver of Survey requirement for
Development Variance Permit application HO-DVP-2021.2 (Wiig)**

Applicant: Sigurd Wiig

Location: 3930 Brigantine Crescent, Hornby Island (PID 000-941-263)

Legal Description: STRATA LOT 3, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, STRATA
PLAN 1235, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN
PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN
ON FORM 1

RECOMMENDATIONS

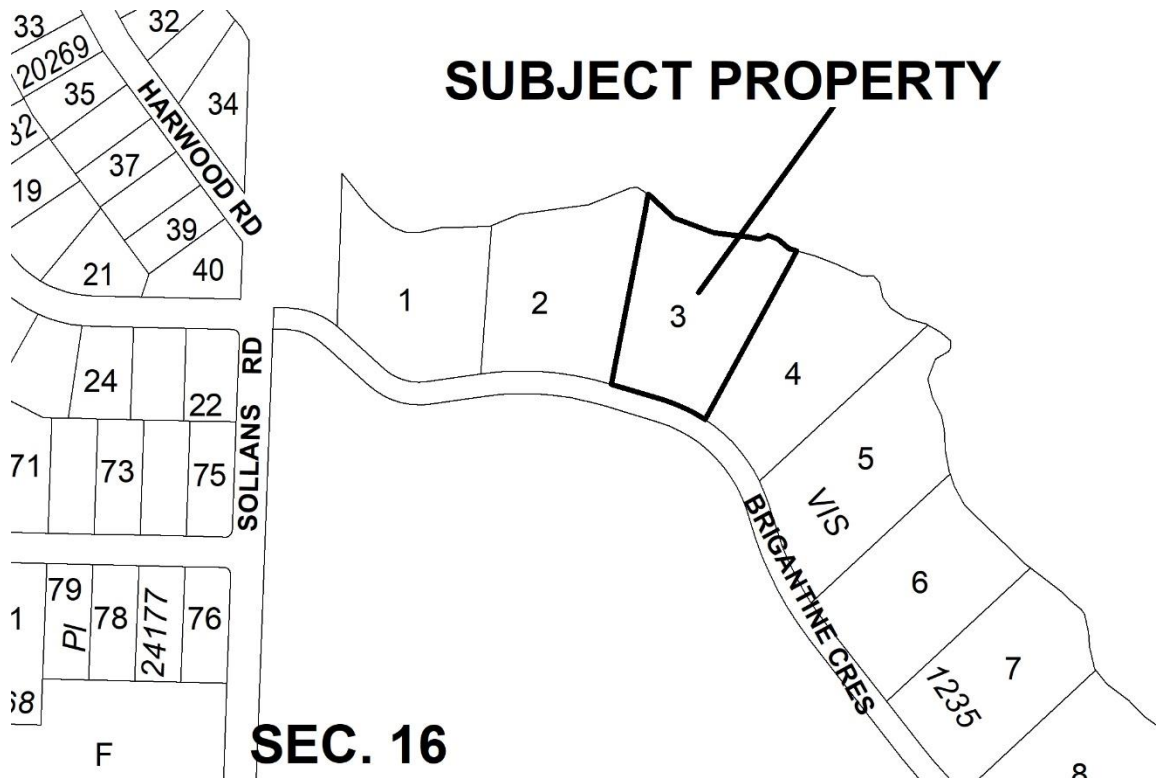
1. That the Hornby Island Local Trust Committee has determined that it is reasonably necessary that the applicant of HO-DVP-2021.2 (Wiig) provide, as required by Section 2.7(1) of the Hornby Island Land Use Bylaw No. 150, a plan, sometimes referred to as a “survey certificate”, signed by a B.C. Land Surveyor, showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields, in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.
2. That the Hornby Island Local Trust Committee request staff to advise the applicant of HO-DVP.2021.2 (Wiig) that the DVP application will be held in abeyance until a current survey plan/certificate signed by a B.C. Land Surveyor has been received, which satisfies the requirement of Section 2.7(1) of the Hornby Island Land Use Bylaw No. 150, 2014.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider the applicant’s request to waive the requirement for a current plan signed by a B.C. Land Surveyor (BCLS) as required in Section 2.7(1) “Siting Compliance” of the Hornby Island Land Use Bylaw No. 150, 2014 for a Development Variance Permit (DVP). To date, no site survey has been submitted with this DVP application, and so the application remains incomplete. Thus, the LTC is not asked to consider issuance of HO-DVP-2021.2 (Wiig) at this time.

The applicant is requesting that the LTC waive the requirement for a current plan signed by a BCLS. Staff feel that receipt of a current plan signed by a B.C. Land Surveyor is reasonably necessary in order to confirm full site compliance with the Land Use Bylaw regulations and provide recommendations to the LTC regarding HO-DVP-2021.2, and therefore are recommending the LTC does not waive the requirements of LUB Section 2.7(1).

Figure 1: Subject Property Map



BACKGROUND

A storm in January 2020 caused a tree to fall and cause extensive damage to an accessory building on the subject property. The applicant then constructed a new accessory building to replace it – they chose a new location on the site in order to prevent similar damage by falling trees/limbs in the future. The applicant was not aware of the need to apply for a SUP to site the new accessory building that was constructed, and so they applied retroactively for HO-SUP-2021.7 in February 2021. Planning staff reviewed the SUP application and determined that the constructed building was over the maximum allowable height (6.0 metres) for an accessory building, as it was constructed to 6.46 metres in height. Therefore, the accessory building was 0.46m too tall, and Planning staff advised the applicant that they needed to apply for a Development Variance Permit (DVP) and that their SUP application would be held in abeyance until the DVP was resolved.

The applicant then submitted their DVP application, which was opened in July 2021. In accordance with Section 2.7(1) of the LUB, staff requested that the applicant submit a current plan signed by a BCLS that shows the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, and wells, and in relation to other buildings on the lot. Planning staff also advised that until a site survey plan was submitted, the DVP application would be considered incomplete, and staff could not proceed with processing or reviewing the DVP application until it was deemed complete. **Thus, the applicant has provided the following DVP request rationale for the LTC to consider waiving the site survey plan requirement:**

"Our cabin and studio was built in 1986, and at that time the Hornby Island Trust Committee bylaw No9, Section 4.4 stated that (2) The height of buildings shall not exceed 22.5'

Our studio was destroyed by a tree falling from the neighbour's property and had to be rebuilt in its entirety.

Because of further trees posing a danger from the neighbour's property, we decided to rebuild the studio at a safer location on the property.

Since this was a rebuild of an existing structure, we did not realize that a siting permit was required before starting construction.

Upon realizing our mistake, we sent all relevant information required for a siting permit to Islands Trust, attention Stephen Baugh. He determined that the building constructed is 40 cm too high and that therefore a Variance Application and permit is required. All relevant information has been forwarded to the Variance Board, except for a surveyed drawing showing the exact location of the structure on the property. Mr Baugh deemed that such a surveyed drawing was not required for his approval, however, we understand that this information is required as part of the Variance Permit Application. We also understand it is up to the Hornby Island Local Trust Committee to determine and decide that such a survey is not required."

ANALYSIS

Land Use Bylaw:

Section 2.7 of the LUB:

- (1) Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan, sometimes referred to as a "survey certificate", signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, **unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary** to establish whether the proposed buildings, structures comply with the siting requirements of this or any other Bylaw.

This is a requirement that is found in many land use bylaws throughout the Islands Trust. DVPs are documents that are registered on title, so site plan accuracy is important for determining compliance with the Bylaws. If there is anything that is identified on the survey as non-conforming to the Bylaw regulations (in addition to the known variance), it will either need to be addressed by the DVP application as well or else clearly labelled so that there is no confusion that the Permit covers a variance for it to remain as non-conforming.

Issues and Opportunities

For Development Variance Permits, staff rely on the accuracy of a B.C. Land Surveyors' measurements to determine the boundaries of the land and the location of all existing and proposed buildings and structures. Because these measurements are used to produce DVPs which are then registered on title, accuracy is more important, say, than for a Siting and Use Permit (SUP) which is not registered on title. In addition, Building Permits are not issued on Hornby Island and so a DVP application is the opportunity for staff, the applicant, the LTC and the community to receive confirmation that the development will be/has been constructed as shown on a survey certificate and that siting and Bylaw compliance is expected.

Rationale for Recommendation

Staff feel that, a plan/survey certificate prepared by a BCLS is not only reasonably necessary, but would be required in order to inform staff's overall recommendations to the LTC regarding consideration of application HO-DVP-2021.2 at a later date. This survey certificate would help staff determine that there are no other siting

requirements that may not be complied with (e.g. setback from the natural boundary of the sea, setbacks from lot lines etc.), and therefore to determine whether there are any additional variances to be addressed. Staff recommendations can be found on page 1 of this report.

ALTERNATIVES

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

1. Waive the requirement for a current plan signed by a B.C. Land Surveyor

The LTC may deem it unnecessary for the applicant to submit a plan signed by a B.C. Land Surveyor, pursuant to Section 2.7 of the LUB. Staff advise that if this alternative is selected, staff will not have adequate information to determine full siting compliance regarding any other potential variances on site that may need to be addressed.

Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee waive the requirement for a survey plan signed by a B.C. Land Surveyor and direct staff to proceed with Development Variance Permit application HO-DVP-2021.2 (Wiig).

NEXT STEPS

Subject to the LTC's concurrence with staff's recommendations on page 1 of this report, staff will advise the applicant that their application will remain incomplete and "in abeyance" until a site survey signed by a B.C. Land Surveyor is received. Upon receipt of the site survey, staff will review and process the DVP request and return to the LTC for consideration at an LTC meeting. Should a site survey not be submitted in a timely manner, a Bylaw Enforcement file would likely be opened to address the non-compliance.

Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	November 23, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 26, 2021

ATTACHMENTS

1. Site Context
2. Site Photos

LOCATION

Legal Description	STRATA LOT 3, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, STRATA PLAN 1235 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
PID	000-941-263
Civic Address	3930 Brigantine Crescent, Hornby Island
Lot Size	1.00 hectares (2.471 acres)

LAND USE

Current Land Use	Residential (zoned agriculture and within the ALR as noted below).
Surrounding Land Use	Natural boundary of the Sea to the north, residential (zoned agriculture) to the east and south, vacant residential (zoned agriculture) to the west.

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2021.7	To move an accessory building that had been damaged by a storm. Planning staff advised the applicant that the building is too tall and a variance would be required. File is currently “In Abeyance” HO-DVP-2021.2 is resolved

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) No. 149, 2014	Land Use Designation: Agriculture (AG) OCP Schedule D2: The property is within Aquifer IIA “Lightly developed, high vulnerability”; though IT Aquifer Intrinsic Vulnerability Mapping classifies this property as “High” OCP Schedule E – Development Permit Areas: The property is not currently within any DPAs
Hornby Island Land Use Bylaw (LUB) No. 150, 2014	Zone: Agriculture 1 (A1) Applicable LUB regulations: 2.7 Siting Compliance: (1) “Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan , sometimes referred to as a “survey certificate” , signed by a B.C. Land Surveyor showing

	the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures comply with the siting requirements of this or any other Bylaw." 3.3 Siting and Setback Regulations (2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse, or the sea. 3.4 Height Regulations: (1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres (2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres. (3) Accessory buildings and structures must not exceed a height of 6.0 metres. 8.5 Agriculture 1 (A1) Zone, applicable regulations: (2) (a) a maximum of one dwelling unit per lot having an area less than 4 hectares (3) Lot coverage must not exceed 10% of any lot having an area of 1 hectare or more (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from an interior side lot line; and (d) 8.0 metres from an exterior side lot line. (5) The total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m². (8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:
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	(a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or (b) if also permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
Other Regulations	This property is within the Agricultural Land Reserve and is therefore also subject to the <i>Agricultural Land Commission Act</i> and the <i>Agricultural Land Reserve Regulations</i>.
Hornby Island Development Procedure Bylaw No. 74, 1992	This concurrent administrative Bylaw applies to all Development Variance Permit (DVP) applications. Section 3(3) requires that the DVP application shall “contain all the information required by the applicable form.” Current Islands Trust form “Schedule C: Development Variance Permits” requires “a Site Survey completed by a registered BC Land Surveyor (BCLS), unless the Islands Trust confirms a survey is not needed”
Covenants	L68397 – Restrictive Covenant. 1982. Held by the Provincial Ministry of Transportation and Infrastructure (MOTI). Some excerpts: • No building shall be constructed within 7.5m of the natural boundary of the sea. • Built (habitable) building elevations are to be a minimum of 1.5m above the NB of the sea.
Bylaw Enforcement	None on file. If HO-DVP-2021.2 is considered and ultimately not issued, then a BE file would need to be opened.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	Public SAR occurrence mapped for the Ecological Community of Douglas Fir & dull Oregon-grape, as shown below:

	
Sensitive Ecosystems	None mapped. Islands Trust Ecosystem Mapping (ITEM) maps the subject property as a mix of rural development and young forest ecosystem.
Hazard Areas	None mapped.
Archaeological Sites	Although specific information regarding archaeology sites cannot be publically disclosed, Remote Access to Archaeological Data (RAAD) mapping indicates that the subject property does contain or is within 100m of known sites of archaeological and cultural heritage. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC 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	No anticipated impacts.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – SITE PHOTOS

2.1 – PREVIOUS ACCESSORY BUILDING DESTROYED BY TREE IN STORM (JANUARY 2020)



2.2 NEW ACCESSORY BUILDING CONSTRUCTION (IN NEW LOCATION)







DATE OF MEETING: December 10, 2021

TO: Hornby Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: Business Case for Hornby Island OCP Project

PURPOSE

The purpose of this memorandum is to provide a draft business case for LTC consideration for the proposed OCP / LUB project and report back on the November 10, 2021 Financial Planning Committee meeting.

At their November 6, 2021 regular business meeting, the Hornby Islands Local Trust Committee passed the following resolution:

HO-2021-065

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

Staff have included the draft business case for the LTCs review as Attachment 1 of this memorandum.

Due to the timing of the Financial Planning Committee's review of next year's budget to make recommendations to Trust Council for their December meeting, this draft business case was included in the FPCs agenda package for their November 10, 2021 meeting. The FPC discussed whether or not to include the Hornby project in their recommendations to Trust Council to consider at their December, 2021 meeting. The FPC passed the following resolution:

FPC-2021-055

It was MOVED and SECONDED,

that Financial Planning Committee recommend the Hornby OCP review be removed from the budget.

CARRIED

If Trust Council accepts the FPC recommendation, staff would assume that an LTC project budget for an OCP update in next fiscal year would need to cost \$5,000 or less. This budget amount would not be enough to hire a consultant to work on the OCP.

However, staff believes that updates to the OCP and LUB could be initiated in fiscal year 2022-23 if public engagement activities were kept to a minimum and the project was initiated at a time when staff time is freed up by completion of other projects. Based on staffing and project completion estimates for the northern region, staff estimate that the project could be initiated in the second quarter of 2022.

NEXT STEPS

Staff recommend that the LTC continue to work with the Regional Planning Manager in determining a feasible start date and at such time as indicated that staff are available for the work, that the LTC request staff develop a project charter.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 26, 2021
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ATTACHMENTS

1. Draft Business Case



Budget Funding Request Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by:

Heather Kauer
On behalf of the HO LTC

Business Area:

Hornby Island Local Trust Committee – LTC projects

Name of Request:

HO LTC – Hornby OCP amendment Review

2022/23 - \$15,000

Budget Source (select all that apply):

☒ **Specific Project Funding**

- ☒ Third Party Contractors
- ☐ Staff Travel Expense
- ☐ Staff Overtime Expense
- ☐ New Staff Member
- ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software**

☐ **New Staff Resources** (see Staff Costing Tool)

☐ **Permanent**

☐ **Temporary**

Temp Duration: _____

☒ **Other – please describe:**

A contracted Planner who would draft and process OCP bylaw amendments based on recommendations from the Hornby Island Advisory Planning Commission and take them through the legislated process.

Date initiated: December, 2021

Date required: April, 2022 -March 31, 2023

BACKGROUND:

On November 20, 2020, the Hornby Island Local Trust Committee passed the following resolution:

that the Hornby Island Local Trust Committee add the item “Official Community Plan Review” to the Top Priorities Report as priority No. 1.

The discussion around this project included an explanation from staff that a project of this nature would be considered Major or Extraordinary in scope and would therefore not be resourced by Planning staff from the Northern office but would need to be assigned to the Regional Planning Team (RPT). Staff further explained that the process for assigning projects to the RPT and the criteria for the RPT to decide which projects to work on first had not been decided as of yet and likely would not be until the next Islands Trust term of office.

The Hornby LTC expressed a desire to have the amendments to the OCP and LUB be completed as soon as

possible and on March 26, 2021, the Hornby Island Local Trust Committee passed the following resolution:

that the Hornby Island Local Trust Committee request that the Advisory Planning Commission provide recommendations for Official Community Plan and Land Use Bylaw amendments with topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas Development Permit Area.

The LTC is anticipating that the Hornby APC will be sending a recommendation for amendments to the LTC in early 2022. With the understanding that Islands Trust Planning staff may not be available to take up these recommendations to process as bylaw amendments in 2022, the LTC passed the following resolution on October 8, 2021:

HO-2021-065

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

PROBLEM STATEMENT/OBJECTIVES:

Regulations regarding short term vacation rentals on Hornby continue to be confusing to residents. The cost and availability of Housing on Hornby becomes more problematic over time, and the regulations adopted regarding Riparian Areas Development Permit Area are problematic because of conflicting technical information that was used to develop them. In addition, the LTC believes acknowledgement of First Nations within the OCP is not as robust as it should be. The LTC consider addressing all of these topics in the OCP and LUB an urgent matter. Given competing demands on staff time to do this work, the LTC believes that a consultant should be hired to complete this work in the short term.

PROJECTED RESULTS/DELIVERABLES:

Funding request (FY22/23)	Target Duration	Cost
Consultant Contract – Bylaw drafting and processing through legislated process including required public engagement.	Over the course of 2022	\$12,000
Technology (mapping, data analysis, etc.) and administrative support for public engagement	Over the course of 2022	\$ 1,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2022	\$ 2,000

ALTERNATIVES CONSIDERED:

Option 1:

Ask the Regional Planning Team to add this project to their work plan with the understanding that it likely would not be complete in the short term.

Option 2:

The Local Planning Team could work on minor amendments regarding each topic area one at a time.

Qualitative Analysis:

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

RECOMMENDED DECISION:

That Trust Council approve \$15,000 in fiscal 2022/23 to hire a consultant to process OCP and LUB bylaws as recommended by the Hornby Island Advisory Planning Commission.

PURCHASING PROCEDURE:

Hornby Island Local Trust Committee

Initiator: _____

Date

Director/CAO

Date

REVIEWED BY MANAGEMENT TEAM:

Date received: _____

Approved: X ☒ YES ☐ NO

Next steps:

- Hornby Island LTC to review the business case at their December 10, 2021 meeting



**Hornby Island Residents' and Ratepayers' Association
(HIRRA)**

4305 Central Road, Hornby Island, BC, V0R 1Z0
Ph: (250) 335-1842 E-mail: office@hirra.ca

November 23, 2021

Re: "Limited visitor accommodation" signage at Buckley Bay

To: Hornby Island and Denman Island Local Trust Committees

It has been identified at several times over the past few years that the previous large Islands Trust sign at Buckley Bay ferry landing has been removed (probably during the construction of the new BC Ferries parking area). This sign was an important tool for advising visitors of the need for reservations on Hornby during the busy summer season.

We believe it is urgent that this sign be replaced with clear eye-catching wording to help reduce the increasing incidents of roadside camping, garbage and defecation on Hornby.

It is important that the sign be located in a high visibility area before the ticket booths to provide advance warning to visitors of the very real accommodation capacity limits of our little island.

Denman may be experiencing similar issues and ideally would participate in cost-sharing for replacing the public notice sign regarding limited visitor accommodation outside the Buckley Bay ticket booths. We would appreciate having input into the final wording of the sign (e.g. Limited summer accommodation on Hornby and Denman books up early. Help us protect our precious islands by confirming you have a place to stay before visiting.).

Please add this topic to your upcoming LTC meeting agendas and let us know what actions you will take to assist in notifying visitors about the limited tourist accommodation before they arrive on our islands.

Sincerely,

Reina LeBaron, HIRRA Executive Administrator
on behalf of the HIRRA Executive

Cc:
CVRD Area A Director,
Hornby Is. Community Economic Enhancement Corp.,
Hornby/Denman Ferry Advisory Committee

STAFF REPORT

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: December 10, 2021
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: 2022 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: February 18, April 29, June 10, September 9, and November 25.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2022. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Islands Trust Conservancy, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for in-person meetings. Meeting details will be advertised in accordance with legislated notification requirements.

If the LTC is anticipating amending their meeting procedures bylaw to allow for regular meetings to be electronic-only, the LTC has the option of designating which of the dates listed above are anticipated to be electronic vs. in-person. This would allow staff to plan further in advance for accommodating the logistics of each meeting. The alternative is that the format of each meeting is chosen at the end of each previous meeting. If the LTC chooses the latter, staff will book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	October 19, 2021
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ATTACHMENT

1. Tentative 2022 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2021 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 18	January 27	-		-	-	-
	-	-	February 3	February 18	February 7	February 22	-
	March 22	March 3	March 31	-	-	-	March 16
	-	April 7	-	April 29	April 11	-	-
	May 31	May 12	May 26	-	-	May 3	-
	-	June 16	-	June 10	June 6	-	June 29
	July 19	July 28	July 14	-	-	July 5	-
	-	-	-	-	August 29	August 30	-
	September 27	September 29	September 1	September 9	-	-	-
	-	October 27	-	-	-	-	-
	November 8	-	November 17	November 25	November 28	November 29	-
	-	December 1	-				-
Total	6	9	6	5	5	5	2
Start Time -In Person	10:30 am	10:30 am	10:30 am	10:30 am	11:00 am	9:30 am	10:00 am
Location if in person	Denman Activity Centre	Gabriola Arts & Heritage Centre	TBD	Room to Grow	Judith Fisher Centre	Thetis Community Centre	TBD

Key Dates

Stat Holidays	Jan. 1; Feb. 21; Apr. 15, Apr. 18; May 23; Jul. 1; Aug. 1; Sep. 5; Oct. 10; Nov. 11; Dec. 26,27
Trust Council	March 8-10, June 21-23, Sept 20-22 Nov 1-3 (all tentative)
Executive Committee	Jan 12, Feb 2, Feb 23, Mar 23, Apr 13, May 4, May 25, Jul 13, Aug 3, Aug 24, Oct 19, Nov 9, Nov 23, Dec 21
Financial Planning Committee	Jan 19, Feb 16, Jun 1, Aug 31, Oct 12, Nov 30
Islands Trust Conservancy	Jan 25, Mar 15, May 17, Jul 12, Oct 4, Nov 22
Trust Programs Committee	Feb 11, Apr 8, May 13, Aug 26, Nov 25
Regional Planning Committee (RPC/LPC)	Feb 9, May 18, Aug 24, Nov 23
SD 79 (Cowichan) Spring Break	Mar 14-25
SD 46 (Sunshine Coast) Spring Break	Mar 14-25
SD 68 (Nanaimo) Spring Break	Mar 14-25
SD 71 (Comox) Spring Break	Mar 21-Apr 1
AVICC Conference	April 1-3
Salish Sea Conference	April 25-29
LGLF Conference	Feb 9-11
LGMA Conference	June 21-23
UBCM Conference	Sept. 12-16



DATE OF MEETING: December 10, 2021
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Advisory Planning Commission Appointments

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to:
 - a. Send letters to members of the Advisory Planning Commission whose terms will expire on March 31, 2022, thanking them for their participation and inviting their expressions of interest for reappointment for another two year term; and
 - b. Advertise for public expressions of interest for new members.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider reappointments for its Hornby Island Advisory Planning Commission because the terms will expire on March 31, 2022.

As of the date of this staff report, the Advisory Planning Commission (APC) currently has five members. The maximum number of APC members is seven.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that “*open, consultative public participation is vital to effective decision making for the Trust Area.*” Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

LTC Bylaw No. 158

The authority to establish advisory planning commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*.

Advisory planning commission

461 (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Notably, such advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 (e.g. zoning bylaw or development permit). Formal citizen representation on advisory planning commissions adds value and transparency to planning processes. It is important that the APC remains in place should a referral be recommended in the future.

Pursuant to section 461, the LTC has adopted Bylaw No. 158 cited as “Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019”, which identifies the planning commission, member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1).

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with sending letters to members of the APC inviting their expressions of interest for reappointment; proceed with advertising; and bring forward expressions of interest to the February 18, 2022 (tentative date) LTC business meeting.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	November 16, 2021
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ATTACHMENTS

1. Bylaw No. 158

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 158

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE HORNBY ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Hornby Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Hornby Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:

- i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Hornby Island Local Trust Committee Bylaw No. 89 cited as "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS	5 TH	DAY OF	APRIL	, 2019
READ A SECOND TIME THIS	5 TH	DAY OF	APRIL	, 2019
READ A THIRD TIME THIS	5 TH	DAY OF	APRIL	, 2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	17 TH	DAY OF	APRIL	, 2019
ADOPTED THIS	24 TH	DAY OF	MAY	, 2019

SECRETARY

CHAIRPERSON

COMPLETED SINCE LAST REPORT	PLANNED FOR NEXT QUARTER
1. STRATEGIC PLANNING/ADMINISTRATION	
Provided orientation to Species at Risk Program Coordinator, ITC Communications Specialist and new ITC Board member Submitted 2022/23 Budget request to FPC Completed updates to internal Protected Areas mapping (in TAPIS Map) to improve usability Approved meeting procedures bylaw revisions Updated Species at Risk Program Project Charter and developed 2021-2022 Work Plan Contributed to Salt Spring Island Coastal Douglas-fir Protection Project Revised climate change impacts project charter Participated in Wetlands Institute workshop held by the BC Wildlife Federation	Draft ITC Reconciliation Action Plan Determine tool for data management for applications and property management Evaluate progress of Regional Conservation Plan 2018-2020 workplan Collate updated Provincial and Federal mapping of at-risk species habitat and occurrence Complete Kelp Mapping for Islands Trust area and assist with developing research plan for UVic bull kelp mapping project (if funded) Assist with mapping project for cultural heritage places and species of significance on Islands Trust Conservancy managed lands.
2. COVENANT AND PROPERTY ACQUISITIONS	
Responded to conservation enquiries (Lasqueti, Salt Spring, North Pender, Thetis) Registered three conservation covenants on 49.6 ha (North Pender and Salt Spring); registered lease for Saturnina Island (4.1 ha, Gabriola Island Local Trust Area)	Continue negotiations on 108 ha of land (five covenants and three land acquisitions) and complete three Ecological Gifts applications Continue participation on the Coastal Douglas-fir & Associated Ecosystems Conservation Partnership Steering and Securement Committees
3. COVENANT AND PROPERTY MANAGEMENT	
Completed annual monitoring of 75 conservation covenants and 31 nature reserves Completed restoration work, including planting and fencing, on three nature reserves (Lasqueti) Continued large-scale Garry oak ecosystem restoration on one covenant (Salt Spring) and planning for Garry Oak ecosystem restoration on one covenant (Sidney) Ruby Alton house maintenance (Salt Spring)	Issue contract for invasive species management on one covenant (Bowen) Continue planning for Garry oak ecosystem restoration on one covenant (Sidney) Install new entrance sign at S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island Continue participation in the Sidney Island Ecological Restoration Project and the Capital Region Invasive Species Partnership

As of December 2021 the Islands Trust Conservancy protects 111 conservation properties, 32 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)

3. COVENANT AND PROPERTY MANAGEMENT (CONT.)	
Approved two nature reserve management plans (Gabriola) Consulted with Indigenous Knowledge Holder on plants of cultural significance for one covenant's riparian ecosystem restoration (Salt Spring) Evaluated experimental treatment for the aquatic invasive plant, Parrot's Feather, and trialled controls for the aquatic invasive animal, American Bullfrog, in a covenanted pond (Sidney) Continued invasive species management on two covenants and seven nature reserves (Denman, Gabriola, North Pender, Salt Spring) and initiated it on one covenant (Galiano)	Trial use of iNaturalist for collection of biodiversity information for ITC conservation lands Issue contract for English holly management on one covenant (Bowen) Work with partners to finalize two management plans, Thetis (1) and Salt Spring (1) Management planning in progress for 2 nature reserves Keats (1) and North Pender (1)
4. COMMUNICATIONS AND OUTREACH	
Issued Autumn 2021 Heron Newsletter, distribution 265 (hard copy by mail), 839 (eNews) Finalized and posted Annual Report Issued 2021/22 <i>Covenant Landholder Newsletter</i> Continued landholder contact program with Gabriola Lands and Trails Trust (Gabriola) Regular delivery of Facebook messaging	Issue the <i>Spring 2022 Heron (February)</i> Draft and publish media announcements for newly protected lands and for Board recruitment In partnership with Gabriola Lands and Trails Trust, continue outreach to landholders on Gabriola Island to encourage voluntary conservation actions Host Species at Risk Workshop (Feb 2022)
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Presentation to Advocis (Association of Wealth Managers; 50 -100 advisors) on strategic ways to transfer conservation land Promoted legacy giving to a national audience through Willpower Published advert in the Green Giving Guide 2022 Promoted Opportunity Fund via Facebook Completed trustee interview (Deb Morrison) and donor interviews (Basil Franey; family of the late Louise Bell) for story telling purposes	Continue trustee and donor interviews to build out fund development storytelling (Heron Newsletter, website, social media) Complete and roll out ITC Annual Impact Donor Report Continue meetings and presentations with Planned Giving advisors Refine internal processes for fund development Roll out and complete Chair Holiday Appeal

As of December 2021 the Islands Trust Conservancy protects 111 conservation properties, 32 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)



the Heron



A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | islandstrustconservancy.ca

AUTUMN 2021



Leaving her mark

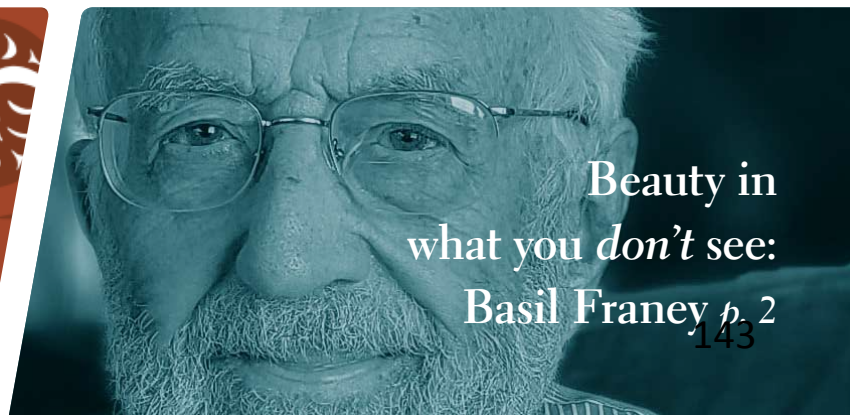
the “powerhouse” who
inspired us all [p.3](#)

ALSO IN THIS ISSUE

Reconciliation:
Reflecting and learning
[p. 2](#)



Beauty in
what you *don't* see:
Basil Franey [p. 2](#)



Conservation Superhero Focus: Basil Franey

As we sit on a bench on Isabella Point, Fulford Harbour, Basil Franey remarks “I’ll bet 30 ferries go past here every day, and the people on it aren’t aware of the reason they are looking at a natural space rather than buildings and a driveway”. Basil and his late wife Margaret bought land on Salt Spring Island in 1980 to build and retire to from Vancouver. When, five years later, there was a plan for a “gigantic fish farm” on Isabella Point they decided to purchase more land in order to ensure that never happened. Basil placed a conservation covenant on five acres of the land, on a high point. “There is a fantastic view all around, and it’s just beautiful.”

At 97, Basil says, “I feel good about it. I have never had any regrets. It gives me peace of mind to think of it being always unspoiled.”

We all have much to thank those that place conservation covenants on their land, whether we are aware of it or not. As Basil well knows, there is so much beauty in what we’re *not* seeing. 🌿

Are you interested in placing conservation covenants on your land?

Call Kathryn Martell, Ecosystem Protection Specialist 250-405-5176 kmartell@islandstrust.bc.ca



Basil Franey has never regretted placing a conservation covenant on land on Isabella Point, Salt Spring Island.

COVER AND ABOVE PHOTOS: CARLA FUNK



Secrets of the Sharp-tailed Snake are coming to light using eDNA methods.

PHOTO: CHRISTIAN ENGELSTOFT

Finding fossorial snakes on Salt Spring Island

The Sharp-tailed Snake is secretive and semi-fossorial (burrowing) which makes it hard to find and study. Species-at-risk funding has enabled the Islands Trust Conservancy to use breakthrough methods more typically used for crime scenes: the use of mapping environmental DNA, to survey these elusive snakes. 🌿

Read the scientific article, co-authored by Salt Spring and Pender Island scientists Carrina Maslovat, Laura Matthias and Jared Hobbs.

www.sciencedirect.com/science/article/pii/S1470160X21008529

This project was undertaken with the financial support of:
Ce projet a été réalisé avec l'appui financier de :



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Reconciliation progress at Islands Trust Conservancy

Since adopting a Reconciliation Declaration in July, 2019, Islands Trust Conservancy Board and staff have received training on identity, place, acknowledgement, history of oppressive legislation, and the role that we all have in reconciliation work. In 2021, Islands Trust Conservancy began conversations with First Nations through property management planning processes. We plan to work with First Nations in a meaningful way to protect significant sites, sacred sites, and culturally significant species and to explore co-management and co-decision making.

Learning, reflecting, and understanding is a focus of the Islands Trust Conservancy in the coming year. To read more about our Reconciliation Declaration visit www.islandstrust.bc.ca/about-us/reconciliation/ 🌿



On-site staff cultural training with Harold Joe PHOTO: CARLA FUNK

COVER IMAGE: Elliot White-Hill graphic design



Drum detail. PHOTO: LISA WILCOX

Acknowledgement

Islands Trust Conservancy acknowledges that we work within the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səilwəʔt, SEMYOME, shishálh, Skwəwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, təʔamen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOELP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

Louise Bell:

Actions speak volumes

The words “intentional citizen” leap into mind when contemplating the life of Louise Bell.



Late spring I called Louise Bell to request an interview for the Heron Newsletter. She paused, thoughtful. She'd learned about the passing of her valued friend, Sara Steil from Pender Island, in a previous edition of the newsletter (www.islandstrust.bc.ca/document/the-heron-newsletter-spring-2021). She spoke with sadness about friends and kindred spirits that were dying with an alarming frequency, and she felt there was a “changing of the guard”.

Louise put my interview off until fall. She was working on a book about her thoughts on logging and didn't want to be distracted from that task. I was tempted to push a little; to ask her for an early phone interview which wouldn't take up too much of her time. Yet I didn't want to distract her, so I didn't push. I regret that now.

Sadly she passed away suddenly, June 17, 2021.

***She is described by friends as a
Powerhouse. A Go-Getter. A Dynamo.***

In today's tumultuous world we could all use a positive role model – someone that persists, and pushes past the paralysis created when the world seems chaotic. Louise inspired so many, giving generously of her time, talent, and treasure.

She served as an Islands Trust Conservancy board member for 10 years, helping to shape the future of land conservation on the islands. When she retired from her role as a Denman Island trustee, trustees throughout the Islands Trust Area honoured her 15-year career as a local politician with donations to a cause close to her heart—the Islands Trust Conservancy's Opportunity Fund which helps to kick-start land acquisition campaigns throughout the Islands Trust Area.

Louise played a pivotal role in creating Canada's first “green burial only” cemetery on Denman Island in 2015. She envisioned the natural regeneration of the forest through this cemetery, a forest in 100 years, and was committed to helping create a model for others to follow.

We are honoured that Louise personally made annual donations to Islands Trust Conservancy from 1999 until her passing in 2021. She chose to give where she lived because she knew and trusted Islands Trust Conservancy, and saw the impact every donation made on her beloved islands of the Salish Sea.

She almost finished her book on logging on Denman Island. Her daughter Barb Legg tells me that, unlike her mother, she is no writer, but that she intends to complete the task. Louise had drafted 3 titles – the one Barb loves is “Buy it. Log it. Flog it.”

Louise Bell was the kind of person for whom ‘business as usual’ did not wash: she made clear statements through her actions, and inspired others to do the same. She was an “intentional citizen” of the very best kind.

The guard is indeed changing. Who will fill these forward-thinking shoes? 🌱

Carla Funk, Strategic Fund Development.
cfunk@islandstrust.bc.ca



ABOVE: Louise, McFarlane Beach, Denman Island. PHOTO: KATE KROEGER
COVER: Denman Island Memorial Society Board members, from left to right, Jane Lighthall, Louise Bell and Angela Robinson, stand before The Ancestors, wooden sculptures at the Denman Island Natural Burial Cemetery.

Coop Student Devin Hentschel



A 4th-year UVic student majoring in Biology, I was hired as a summer co-op Conservation Technician. I monitored the nature reserves and conservation covenants around the Trust Area. In only a few months I visited 47 properties on 14 islands – a dream job!

It wasn't all fun and games. Imagine the ferry lineups! Monitoring involves walking around the boundaries of each property and along any potential trails using GPS. An avid hiker, this was an enjoyable experience. I took photos of corner pins, points of interest, and invasive species found, and stayed on the lookout for trespasses or infractions to make sure each property maintained its pristine habitat.

Some of my most rewarding days and my fondest memories from the summer were spent pulling invasive species on the properties. You name the invasive, I likely pulled it!

Welcome to the Board!



Galiano Islander and founding board member of the Galiano Conservancy Association, **Dr. Risa Smith**, Ecologist, brings 25 years of experience developing biodiversity policy, and expertise in Nature-based Climate Solutions. She is a leader of the Climate Change Specialist Group/World Commission on Protected Areas, and advisor to both the Canadian Government and IUCN. 🌿

ABOVE: Dr. Risa Smith, LEFT: Devin Hentschel, BELOW: Kate-Louise Stamford, Islands Trust Conservancy Board Chair. PHOTOS: CARLA FUNK

It's the giving season! Please consider making a holiday gift to someone you love, and help [kick-start conservation](#). We'll send a card to let them know of your gift. Gifts of securities are the most tax savvy way to donate. Call Carla Funk, Strategic Fund Development, for a confidential conversation on giving. 250-405-5171. 🌿



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Online islandstrust.bc.ca/conservancy

Newsletter Production [Juniper English](#) | rippledesign.info
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YES! I want to preserve and protect the islands!

100% of your donation goes directly to protecting endangered habitat on the islands you love.

Your donations of \$20 or more will receive an official donation receipt for income tax purposes.*

🖱️ To donate online visit:
islandstrust.bc.ca/donate-to-conservancy

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

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Prov/State	Postal/Zip code
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Questions? Contact us!

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

- ☐ Yes, I am okay with public recognition of my donation.
- My donation amount:** ☐ \$50 ☐ \$100 ☐ \$200 ☐ \$_____
- I wish to donate by:**
- ☐ Cheque (made payable to the Islands Trust Conservancy)
- ☐ Visa ☐ MasterCard

Card Number	
Expiry Date mm/yy	Security Code (back of card)
Signature	

Share your vision with future generations — please consider remembering Islands Trust Conservancy in your will.

*Islands Trust Conservancy is a qualified donee as a Crown agent under the *Islands Trust Act*. Islands Trust business # 122013576 RT0001



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2021.2	The Board of School Trustees of School District No. 71 (Comox Valley) (MacDonald Hagarty Architects Ltd.) Planner: Jaime Dubyna	09-Jul-2021	PID: 000-457-752 To bring remaining temporary buildings into compliance to become permanent. Civic address: 2200 Sollans Road, Hornby Island, BC.
Planning Status			
Status Date: 02-Nov-2021 Revised site plan received.			
Status Date: 04-Oct-2021 File reassigned.			
Status Date: 17-Sep-2021 Preliminary review complete. Information requested of applicant			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2021.2	Sigurd Wiig Planner: Teresa Mahikwa	22-Jun-2021	PID: 000-941-263 Height variance required. Civic: 3930 Brigantine Crescent, Hornby Island, BC.
Planning Status			
Status Date: 06-Oct-2021 File reassigned to Planner Mahikwa - currently reviewing status.			
Status Date: 13-Sep-2021 Applicant request to waive survey requirement			
Status Date: 30-Jul-2021 Further information needed from applicant - email sent			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2021.3	Blue Sky Design	07-Jul-2021	PID: 001-149-971 To vary the setback for a pool. Civic address: 9300 Central Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Nov-2021

ITC Board referral comments received.

Status Date: 23-Nov-2021

Referral (RFD) to ITC Board.

Status Date: 27-Oct-2021

Survey plan received.

Rezoning

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: 08-Oct-2021

LTC resolution HO-2021-061 to proceed no further. File to be closed and refund to be issued.

Status Date: 07-Jul-2021

Site visit.

Status Date: 17-Jun-2021

Applicant submitted copy of sewage disposal system records, as requested by LTC.



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 25-Oct-2021

File transferred from Planner Cox to Stephen Baugh.

Status Date: 12-Oct-2021

No change in status.

Status Date: 06-Jul-2021

NARU application approved by ALC. Awaiting updated site plan from applicant to issue SUP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.18	The Board of School Trustees of School District No. 71 (Comox Valley) (MacDonald Hagarty Architects Ltd.)	09-Jul-2021	PID: 000-457-752 To bring remaining temporary buildings into compliance to become permanent. Civic address: 2200 Sollans Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 04-Oct-2021

File reassigned.

Status Date: 13-Sep-2021

See HO-DP-2021.2

Status Date: 11-Aug-2021

File opened & assigned. Combo fee with DP. Waiting for etransfer.



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.19	Michael Lecki Studios	29-Jul-2021	PID: 000-941-310 New SFD and accessory building. Civic: 4200 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 25-Aug-2021

KFN request CHIP application. Applicant informed.

Status Date: 12-Aug-2021

File opened & Assigned. Waiting for Etransfer.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.20	Deerleap Farms Ltd. (Woodland)	10-Aug-2021	PID: 023-812-753 Building pump shed and garage/workshop Civic address: 3740 High Salal Drive, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 13-Aug-2021

File opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.21	Harrison & Boyko, Sean & Roxanne	26-Oct-2021	PID: 003-009-416 Connect outbuilding to house and add suite. Civic address: 4925 Arthurs Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 08-Nov-2021

File opened & assigned. Waiting for etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.22	Stephen Twible	03-Nov-2021	PID: 000-941-255 Build studio/storage building. Civic address: 3870 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 19-Nov-2021

File opened & assigned

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.23	Prescott, Stuart & Ian	04-Nov-2021	PID: 002-941-830 Building cabin. Civic address: 5805 Seawright Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 19-Nov-2021

File opened & assigned.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2020.2	Donald Gutstein and Mae Burrows	27-Mar-2020	PID: 000-095-869 Civic address: 1410 Carmichael Road, Hornby Island Purpose: Subdivide property into two lots (1.78 ha and 2.59 ha). Smaller lot will have existing dwelling, new septic and well/pump house. Larger lot will connect to Carmichael Road via panhandle.

Planner: Teresa Mahikwa

Planning Status

Status Date: 26-Oct-2021

File reopened and assigned to Planner Mahikwa.

Status Date: 09-Nov-2020

Email from planner to applicant again providing option for refund or abeyance. No response as of November 9. File to PTA for closure.

Status Date: 05-May-2020

Referral response sent to MOTI, applicant and LTC.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2021.1	Marcus Paterson	17-Mar-2021	PID: 002-657-881 Two lot subdivision. Civic address: 2025 Belcarra Road, Hornby Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 06-Oct-2021

File reassigned to Planner Mahikwa - currently reviewing status.

Status Date: 28-Sep-2021

No change in status

Status Date: 10-Aug-2021

No change in status



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: Heather Kauer

Planning Status

Status Date: 25-Oct-2021

File transferred from Planner Cox to RPM Kauer.

Status Date: 12-Oct-2021

No change in status.

Status Date: 10-May-2021

Awaiting FLNRORD license.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending October 2021

635 Hornby	Invoices posted to Month ending October 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	269.00	0.00	269.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,386.00	892.00	1,494.00
65210-635	LTC - Local Exp - APC Meeting Expenses	370.00	835.20	-465.20
65220-635	LTC - Local Exp - Communications	250.00	240.00	10.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>1,967.20</u>	<u>1,332.80</u>
Projects				
73001-635-2004	Hornby OCP/LUB	1,600.00	180.00	1,420.00
73001-635-4120	Hornby Healthy Watersheds Initiative	20,000.00	16,500.00	3,500.00
TOTAL Project Expenses		<u>21,600.00</u>	<u>16,680.00</u>	<u>4,920.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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

No.	Meeting Date	Resolution No.	Issue	Policy
5.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
6.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: • Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. • More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

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

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



Top Priorities Report

Hornby Island

1. Comprehensive OCP Review**Responsible****Dates**

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 and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package.

David Marlor

Rec'd: 06-Nov-2020

2. Watershed Protection and Groundwater Preservation**Responsible****Dates**

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

William Shulba

Rec'd: 08-Jun-2018

3. Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.**Responsible****Dates**

Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.

Heather Kauer

Rec'd: 06-Nov-2020



Top Priorities Report

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

10. *Develop a process for batching TUPs related to seasonal worker accommodation.*

Responsible

Date Received

Develop a process for batching TUPs related to seasonal worker accommodation as recommended in the July 16, 2021 staff report analyzing the Ucluelet model.

16-Jul-2021

Projects Report

Hornby Island

11. <i>Fees Bylaw Update</i>	Responsible	Date Received
Amendment of the Hornby Island Fees Bylaw to consider the 2021 model fees bylaw and the TUP fee structure contemplated by the July 16, 2021 staff report regarding TUPs for seasonal worker accommodation.		16-Jul-2021