

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: February 18, 2022
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:05 AM	
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."		
2.	APPROVAL OF AGENDA		
3.	REPORTS	10:05 AM - 10:30 AM	
	3.1. Trustee Reports		
	3.2. Chair's Report		
	3.3. Electoral Area Director's Report		
4.	TOWN HALL	10:30 AM - 10:40 AM	
5.	DELEGATIONS	10:40 AM - 10:55 AM	
	5.1. The Hornby Housing Network - April Lewis		4 - 4
	5.1.1. <u>Letters of Support - Beulah Creek</u>		5 - 30
6.	MINUTES	10:55 AM - 11:00 AM	
	6.1. Local Trust Committee Minutes dated December 10, 2021 - for adoption		31 - 39
	6.2. Local Trust Committee Special Meeting Minutes dated January 24, 2022 - for adoption		40 - 42
	6.3. Section 26 Resolutions-without-meeting Report dated February 10, 2021		43 - 43
	6.4. Advisory Planning Commission Minutes dated November 26, 2021 - for receipt		44 - 46
7.	BUSINESS ARISING FROM MINUTES	11:00 AM - 11:40 AM	47 - 57
	7.1. Follow-up Action List Report dated February 8, 2022		58 - 63

7.2.	Model Fees Bylaw Update - Staff Report	64 - 74
7.3.	Screening of Dust 'n Bones - for discussion	75 - 75
7.4.	Letter dated February 8, 2022 to BC Housing from Chair Fast, Hornby Island Local Trust Committee regarding Beulah Creek Housing Project	
8.	APPLICATIONS AND REFERRALS	11:40 AM - 12:45 PM
8.1.	Denman Island Local Trust Committee Referral Request for Response regarding Bylaw Nos. 241 and 242 - for decision	76 - 78
8.2.	HO-DVP-2021.2 (Wiig - 3930 Brigantine Crescent, Hornby, BC) - Staff Report - for decision	79 - 94
8.3.	HO-DVP-2022.1 (Hornstein - Hornby Island Resort) - Staff Report - for decision	95 - 117
8.4.	HO-DP-2022.1 (Hornstein - Hornby Island Resort) - Staff Report - for decision	118 - 148
8.5.	HO-DVP-2021.3 (Wall and Bixby) - follow up discussion	
	----- BREAK 12:45 PM to 1:15 PM -----	
9.	LOCAL TRUST COMMITTEE PROJECTS	1:15 PM - 1:25 PM
9.1.	Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project	
9.1.1.	<u>Advisory Planning Commission Recommendation - Public Use Zoning Correction</u>	149 - 150
10.	CORRESPONDENCE	1:25 PM - 1:35 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
10.1.	Email dated January 1, 2022 from B. Weiss regarding Bylaw No. 170	151 - 151
10.2.	Email dated January 6, 2022 from T. Law regarding Public Use Zoning	152 - 158
10.3.	Email dated December 19, 2021 from S. Chezenko and response regarding Hornby Island Official Community Plan map correction	159 - 160
11.	NEW BUSINESS	1:35 PM - 1:50 PM
11.1.	Shoreline Report Briefing - for discussion	161 - 213
11.2.	Ferry Terminal Signage - for discussion	214 - 215
12.	REPORTS	1:50 PM - 2:15 PM
12.1.	Trust Conservancy Report dated November 23, 2021	216 - 218

12.2.	Applications Report dated February 8, 2022	219 - 224
12.3.	Trustee and Local Expense Report dated December, 2021	225 - 225
12.4.	Adopted Policies and Standing Resolutions	226 - 230
12.5.	Local Trust Committee Webpage	
13.	WORK PROGRAM	2:15 PM - 2:30 PM
13.1.	Top Priorities Report dated February 8, 2022	231 - 232
13.2.	Projects List Report dated February 8, 2022	233 - 235
14.	CLOSED MEETING - none	
15.	UPCOMING MEETINGS	
15.1.	Next Regular Meeting Scheduled for Friday, April 29, 2021 - time and location to be determined	
16.	ADJOURNMENT	2:30 PM - 2:30 PM

HORNBY HOUSING NETWORK

HORNBY ISLAND, BC

January 31, 2022

Hornby Island Local Trust Committee

Islands Trust

Dear Local Trust Committee,

The Hornby Housing Network has an urgent and ambitious request for your support with the Beulah Creek affordable housing project, which is at a critical juncture.

First, a review of who we are: the Hornby Housing Network is an informal coalition that joins representatives from community organizations with local individuals, in a search for solutions to our island's housing crisis.

Organizations represented include the Hornby Island Housing Society, the Hornby Island Community Economic Enhancement Corporation, Hornby Denman Community Health Care Society, and the Hornby Island Education Society. Individuals include a local Island Trustee, our Regional District Area A representative, Hornby Island Residents and Ratepayers Association executive members, Advisory Planning Commission members, a local housing advocate; and the Hornby Island Short Term Rental Association.

From discussions between BC Housing and Daniel Arbour and also with Hornby Island Housing Society, it has become clear that this is a critical time of decision for BC Housing. The province may or may not decide to approve funding for this project. BC Housing is asking the Hornby Island community to show broad-based support for the project, and to make any financial or procedural contributions that we can.

We are very grateful for the letter of support that the Local Trust Committee sent to BC Housing on January 28th of this year. We believe that the letter sends a strong signal to BC Housing that our community is solidly behind Beulah Creek Village.

To demonstrate the broad-based support at the island level, the Hornby Housing Network is encouraging community members, organizations, and businesses to make clear, with letters to BC Housing's executive and provincial ministers, just how essential the creation of these 26 Beulah homes is to the Hornby community.

As a delegation, here is our urgent request: we ask the Local Trust Committee to cement the broad base of support with an offer to waive the project's development permit fees once applications are submitted, and to make processing the permits an LTC top priority. This would be a powerful confirmation of Islands Trust's commitment to creating affordable housing on Hornby Island.

Thank you for all that you do.

Sincerely,

Sadie Chezenko

Hornby Housing Network

From: Sharon Rogalsky [REDACTED]
Sent: Sunday, January 30, 2022 3:24 PM
To: Sharon Rogalsky
Subject: Support for Beulah Creek project for affordable rental housing on Hornby Island

Sharon Rogalsky

[REDACTED] Hornby Island, BC V0R1Z0

I am writing to support BC Housing proceeding immediately with the building of rental housing at Beulah Creek on Hornby Island.

I have been a full time resident on Hornby Island for eighteen years. We owned our property for eight years before we retired here and built our home.

Over these 25 years there has been a consistent concern about not enough housing for low and medium income working people who support and sustain our community.

In our early years, the school population was rapidly falling. Since then, we have had some increase in young families and more children in our schools. Many of these are young people returning to live on family land where they grew up. Many others are renting in unstable situations. For years many individuals and families have had a winter rental or house sitting place but had to move out into tents in the summer to make room for the owners for themselves or their weekly vacation rentals, or both. There is no financial motivation for home owners to rent year round especially with the additional maintenance required and lack of access for their own vacations.

And keep in mind that no one can commute from a nearby community with available housing due to the two ferries from Vancouver Island. This pool of year round workers is vital to provide the goods and services the year round population and our thousands of summer visitors need. I think particularly of the many single women and men who are home support workers for our elderly population. As well as our families, they deserve safe, affordable rental housing.

There has been over twenty years of concerted volunteer work by the Islanders Secure Land Association(ISLA) to try to solve our housing crisis. After three years on that board some years back I made the decision to leave as it seemed it was an insolvable problem without enough money for the infrastructure on the donated Beulah Creek land. Since then, the board continued to work tirelessly on several initiatives, none of which was successful. When the BC government

announced it would fund this project, there was great rejoicing here. Now with amalgamation with another board which operates a very successful elder housing project, named the Hornby Housing Society. and the leadership of the M'akola Housing Society, all the groundwork has been done.

However it seems that this project is now floundering in spite of all our best efforts.

People that we need to remain in our community are having to leave due to lack of housing. Others are living in substandard rentals hoping for a chance at a decent home. It has become impossible to buy, even with family help, as prices have gone up even more due to covid. Skilled people who would enrich our community and provide needed services decide not to come as no housing is available.

Those of us who are elders are dependent on a strong work force to support us. We chose Hornby for its diversity. We have no desire to live in a retirement community.

I implore your government and BC Housing to immediately begin work on the Beulah Creek rental project. The plans are ready, the workers available, the community entirely supportive, and most of all, the under housed are waiting.

I look forward to your reply. Thank you for your attention to this critical issue.

From: Anthony Law [REDACTED]
Sent: Saturday, January 29, 2022 2:37 PM
To: northinfo
Cc: Alex Allen; Grant Scott; Sue Ellen Fast
Subject: Beulah Creek Project
Attachments: Beulah Creek Project, Hornby Island - T.Law letter
29.01.2021.pdf

Attached is a letter for receipt by the Hornby Island Local Trust Committee
Thank you.

Tony Law

I respectfully acknowledge I am living on unceded traditional territory of K'òmoks First Nation.

Tony Law
[REDACTED] Road
Hornby Island BC V0R 1Z0
[REDACTED]

Shayne Ramsay
CEO, BC Housing

29 January 2022

cc: Hon. David Eby, Hon. Josie Osborne, Director Daniel Arbour, Hornby Island Local Trust Committee, Malcom McNaughton (BC Housing), Kirsten Baillie (BC Housing), Kevin Albers (M'akola Housing Society), Hornby Island Housing Society

Dear Mr Ramsay:

re: Beulah Creek housing project, Hornby Island

I strongly support of this project which I believe is crucial to the social and economic well-being of this community.

I have lived on Hornby Island for over thirty years. I have spent a quarter century working with others to seek solutions to the lack of affordable, stable housing that has impacted so many residents.

I have witnessed some of our most expert minds and dedicated volunteers putting in countless hours trying to make housing happen. The challenges encountered make it clear that senior involvement is required.

- With respect to ownership housing:

The real estate market, fuelled by a demand for second houses and retirement homes for those who have derived income elsewhere means that ownership is beyond the reach of members of our work force with the more modest incomes attained locally. Most of ten years were spent on trying to create non-market ownership housing, but the regulatory, legal and financial issues were over-whelming.

- With respect to rental housing:

Most people who own houses use them themselves for at least part of the year. The costs of buying, building and maintaining dwellings and the limited level of rent local residents can afford to pay means that dedicated market residential rental housing is not an economic proposition.

Too many valued residents have had no choice but to face having rentals for only part of the year, moving multiple times and being accommodated in "illegal" trailers and cabins that are often unhealthy, inadequate and offer no stability.

This affects mental and physical health. It inhibits full participation in the community and economic activity – like starting small businesses.

Hornby Island strives to be a self-reliant community. It has been successful in establishing a “village” of elder housing which took considerable volunteer effort, fund-raising and many years. But that happened in a different economic and regulatory context from what we are facing today.

The Housing Needs Assessment conducted by the Islands Trust in 2018 notes that **41% of the total population falls within the no, low and low/moderate income levels**. It states that **Hornby Island now requires between 65 and 97 affordable housing units**.

Experience shows that these cannot be created by the market and community efforts alone.

The community has been able to make land available for our badly-needed housing project. Now the involvement of BC Housing is crucial.

I am grateful for the involvement of BC Housing in the Beulah Creek project so far and hope it will continue to ensure its completion.

Thank you so much for considering this letter.

Sincerely,

Tony Law

formerly:

Hornby Island Local Trustee (1996-2005, 2007-2018)

Chair, Islands Trust Community Housing Task Force

President, Islanders Secure Land Association

Member, Comox Valley Select Committee on Homelessness and Housing

Executive Director, Hornby Island Community Enhancement Corporation

- organizing a conference on Housing Solutions for Small Communities, 2007
- commissioning a Housing Needs Assessment for Hornby and Denman Islands, 2008



February 1, 2022

To Shane Ramsay,

CEO, BC Housing

Re: The Beulah Creek Village Affordable Housing Development Project

Dear Mr. Ramsay,

As Chair of the Hornby and Denman Community Health Care Society I would like to affirm unconditionally our support for the Beulah Creek Village Affordable Housing Project and the proponents, The Hornby Island Housing Society and M'akola.

For over forty years, the HDCHCS has been providing home support, as well as a host of other social/health-based services on our two Islands including Better at Home, a Seniors Day program, Child and Youth Mental Health Counselling and Family Support programs, Youth Outreach, and Adult Mental Health and Substance Use Outreach.

The provision of home support services, indeed all of our social/health services, typically necessitates that our clients have safe and reliable housing. When this is not the case, we are obliged to seek either additional supports/means to provide the required care or, in some cases, advocate alternative support/means that will not place our employees at risk.

While Hornby Island has had congregate affordable Senior's housing for decades, we are cognisant that there is a lengthy waiting list. There is the woeful reality that access for some might take years if ever.

Numerous studies and reports have identified the challenges faced by the citizens of Hornby Island

Two still relevant comparative extracts from the 2018 Comox Valley Vital Signs report studies highlight, not only the general poverty rate on Hornby (and its close neighbour, Denman Island) but also the burgeoning child poverty rate.

Poverty rate by community 2015

Hornby Island	28.3%
Denman Island	24.2%
Union Bay	19.2%
Cumberland	17.8%
Courtenay	17.1%
Fanny Bay	16.6%
Black Creek	13.9%
Royston	12.4%
Comox	11.6%

Hornby Island tops the regional poverty list. There is no reason to think that these rates have changed to any measurable extent in the past seven years. At least not downwards.

Even more startling is the child poverty rates for both Hornby Island and Denman Island.

Table 57: Child (0-17 year old) poverty rate, based on CFLIM (Census Family Low Income Measure) After Tax, Comox Valley geographies and comparison geographies, 2015

Geographic area	# of children (0-17 years old) in low income households	Child poverty rate (%)
Comox Valley Regional District	2,520	22.5%
Black Creek	100	19.5%
Comox	470	16.6%
Courtenay	1,540	25.3%
Cumberland	160	20.4%
Denman Island	60	55.2%
Fanny Bay	40	28.1%
Hornby Island	40	42.7%
Royston	30	22.5%
Union Bay	20	30.4%
Vancouver Island and Coast Development Region	30,140	23.1%
British Columbia	184,970	22.0%

Beulah Creek Village is the culmination of over fifteen years of struggle by a community of volunteers/ organizational incarnations all aimed at addressing an ongoing and intolerable affordable housing vacuum on Hornby. As a service provider and as an employer, we have been constantly aware of the need for reasonably priced ever available housing for clients as well as staff. Indeed, the lack of affordable rental housing has been an increasing obstacle in attracting new staff.

We were incredibly heartened by the 2018 announcement by the provincial government that the project would be funded and built. We recognize that the past couple of years have been fiscally challenging on so many levels, but we are so close to having this essential project become a fully realized entity.

We appreciate the efforts of BC Housing and our partner M'akola. As an organization that embraces the reality of the social determinants of health and perhaps the most significant determinant, safe and affordable housing, we echo all of the voices of Hornby Island that unreservedly support the Beulah Creek Village and the Hornby Island Housing Society. The need is beyond critical.

Regards,

Bill Engleson, RSW (Retired and Non-Practicing)

Chair, Hornby & Denman Community Health Care Society

1965 Sollans Rd, Hornby Island, BC V0R 1Z0 (250) 335-2885 hornbydenmanhealth.com

c.c. Malcom McNaughton BC Housing	mmcnaughton@bchousing.org
Kirsten Baillie BC Housing	kbaillie@bchousing.org
Josie Osborne MLA Mid-Island Pacific Rim	josie.osborne.MLA@leg.bc.ca
Hornby Island Housing Society	hornbyislandhousing@gmail.com
David Eby, Minister Responsible for Housing and Attorney General	
AG.Minister@gov.bc.ca	
Gord Johns, Courtenay-Alberni MP	gord.johns@parl.gc.ca
Hornby Island Local Trust Committee (Grant Scott, Alex Allen, Sue Ellen Fast)	
northinfo@islandstrust.bc.ca	
Daniel Arbour CVRD Director	reachme@danielarbour.ca
Kevin Albers M'akola Housing Society CEO	kalbers@makola.bc.ca

From: Karen Ross <karenross@telus.net>
Sent: Wednesday, February 2, 2022 2:24 PM
To: Grant Scott; Alex Allen; Sue Ellen Fast; northinfo
Subject: Fwd: Hornby Island Affordable Housing



Jan. 30, 2022

Dear Hornby Island Local Trust Committee,

This letter is to confirm the Hornby Island Community Economic Enhancement Corporation's support for the 26-unit Beulah Creek Village affordable housing project on Hornby Island.

With escalating housing prices, our workforce is finding Hornby increasingly unaffordable and are either moving away or living in substandard living conditions. Our island is desperately in need of adequate, affordable housing.

This project traces its origins to Hornby Island's Year 2000 Visioning, in which the community committed to creating affordable year-round housing for permanent residents. Over these last 20 years, the community developed a housing association; was fortunate to be given land; and navigated the complexities of meeting government and environmental and regulatory conditions. Our community housing organization has worked with BC Housing and M'akola Housing Society on project design and planning.

In the fall of 2018, BC Housing announced \$2.6 million to support the building of 26 units on Hornby, and it seemed that the dream the community has worked so hard for would finally become a reality. However, delays have plagued the project and with escalating costs, BC Housing is currently reviewing the application for funding. We are deeply concerned that the process of getting this project fully financed and built seems

to have stalled. With an increase in interest rates in March/22 now seemingly inevitable, this delay comes at a particularly dangerous time.

Hornby Island has a shovel-ready affordable housing project ready for final approval. Please join with us in the final push to move the dial and get this project built.

With gratitude for your consideration and anticipated support,

John Heinegg

Chair, HICEEC

From: Karen Ross [REDACTED]
Sent: Wednesday, February 2, 2022 2:24 PM
To: Grant Scott; Alex Allen; Sue Ellen Fast; northinfo
Subject: Fwd: Hornby Island Affordable Housing



Jan. 30, 2022

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With gratitude for your consideration and anticipated support,

John Heinegg

Chair, HICEEC

From: Meredith McEvoy <meredith@hornbydenmanhealth.com>
Sent: Wednesday, February 2, 2022 2:21 PM
To: northinfo
Subject: Fwd: Letter of Support for Beulah Creek Village, Hornby Island
Attachments: Letter of Support for Beulah Creek Feb 2022.pdf

----- Forwarded message -----

From: **Meredith McEvoy** <meredith@hornbydenmanhealth.com>
Date: Wed, Feb 2, 2022 at 2:16 PM
Subject: Letter of Support for Beulah Creek Village, Hornby Island
To: <sramsay@bchousing.org>, <mmcnaughton@bchousing.org>, <kbaillie@bchousing.org>, <MAH.Minister@gov.bc.ca>, Hornby Island Housing Society <hornbyislandhousing@gmail.com>
Cc: <AG.minister@gov.bc.ca>, <gord.johns@parl.gc.ca>, <gscott@islandstrust.bc.ca>, <aallen@islandstrust.bc.ca>, <northinfo@islandstrust.ca>, <sfast@islandstrust.bc.ca>, Daniel Arbour <reachme@danielarbour.ca>, <kalbers@makola.bc.ca>

Dear BC Housing Leadership and Government Leaders,

Please see the attached Letter of Support for the Beulah Creek Village Development on Hornby Island.

Sincerely,

Meredith

Meredith McEvoy, MSW RSW (*she/her*)
Family Support Worker/Child Youth and Family Program Manager

Adult Mental Health and Substance Use Supervisor
Hornby and Denman Community Health Care Society
Voicemail: 250-898-0247

Email: meredith@hornbydenmanhealth.com



I am grateful to live and work on the unceded traditional territory of the K'òmoks First Nation and the combined and shared territory of the Kwakwaka'wakw and Coast Salish people.



February 2nd, 2022

Re: Support for Beulah Creek Village Housing on Hornby Island

To BC Housing Senior Leadership and Government Leaders,

I am writing to you to express my unequivocal support for the Beulah Creek Village Housing Development on Hornby Island and the plea that you move forward with providing full funding for construction and operation of this housing as soon as possible.

I come to writing this letter with intimate knowledge of the project, having been a board member of the Hornby Island Housing Society (2016-2020) and former chair of the Beulah Creek Village Development Committee, however today I am using my voice as a community leader in mental health.

I have three roles at the Hornby and Denman Community Health Care Society: Family Support Worker, Child Youth and Family Program Manager, and Adult Mental Health and Substance Use Supervisor. Every day in my work I see the negative impact of a lack of affordable rental housing on Hornby Island on the people we serve. We work with women and mothers who are forced to remain in extremely stressful, and sometimes unsafe, housing situations because there is no where else to go. We work with adults and couples who are cold and wet in their insufficient housing/shelter. We work with parents and families who move multiple times a year, including periods of couch surfing, in order to remain in their community.

I have also experienced this first hand. When I arrived on Hornby Island with my two-year-old I moved 12 times in the first 4 years of living here. This included living in a one room "tiny home" in the summers, in a different location each time, with no running water. This may sound romantic, but gets old when you are 8 months pregnant, working, and also caring for a small child.

Housing is one of the main social determinants of mental health. Every day I have clients asking when the Beulah Creek housing will be available, and every day I bear witness to the negative mental health outcomes, as well as substance abuse and interpersonal violence, in our community due to lack of affordable housing. I believe that if we had safe, stable, affordable housing in our community there are several clients and families who would no longer need our services.

Hornby and Denman Islands have the highest levels of child poverty on the Comox Valley (42.7% and 55.2% respectively compared with 22.5% for the Comox Valley and 18.5% for BC), and also this year have had among the highest increase in property values for our region. There are simply no more homes on Hornby Island that local families can afford to buy. We must provide safe, stable, and affordable rental housing to our community to fill this gap, improve mental health and substance use outcomes, and decrease the adverse effects of lack of housing on children.

I envision a future where Beulah Creek Village is a thriving hub for children, families, community members of all kind. Where removing the pain, worry, and uncertainty of housing stress can make room in people's lives for them to focus on work, education, health, recreation, and participating in community life. Please provide the funding needed to take the final steps to make this vision come to life.



Thank you for listening,

A handwritten signature in black ink, appearing to read "Meredith".

Meredith McEvoy, MSW RSW

Family Support Worker
Child Youth and Family Program Manager
Adult Mental Health and Substance Use Supervisor

Hornby and Denman Community Health Care Society
meredith@hornbydenmanhealth.com
Voicemail: (250) 898-0247

From: Daniel Siegel <rebdan@telus.net>
Sent: Thursday, February 3, 2022 11:09 AM
To: sramsay@bchousing.org; mmcnaughton@bchousing.org;
kbaillie@bchousing.org; josie.osborne.MLA@leg.bc.ca
Cc: AG.minister@gov.bc.ca; gord.johns@parl.gc.ca; northinfo; Grant
Scott; Alex Allen; Sue Ellen Fast; Daniel Arbour;
kalbers@makola.bc.ca; Hornby Island Housing Society
Subject: Beulah Creek Housing Project

Letter in Support of the Beulah Creek Development on Hornby Island

To: Shayne Ramsay, CEO BC Housing

Malcom McNaughton, BC Housing

Kirsten Baillie BC Housing

Josie Osborne, MLA, Mid-Island Pacific Rim.

I have lived on Hornby Island full time since 2005. At the time when I arrived, I was serving as the Director of Spiritual Resources for ALEPH: Alliance for Jewish Renewal and the first Rabbinic Director of ALEPH Canada. I also began what is now fifteen years of volunteer service to the Hornby Community. Among other things, I was the chair of the Hornby Island Community Economic Enhancement Corporation, the founder of an ad hoc committee on housing, a member of the executive of the Hornby Island Residents and Ratepayers Association which I currently serve as president.

Over the course of these years, I have witnessed and participated in a small way the efforts made by our community to manifest affordable housing. As property assessments continue to rise (mine rose by 56%) and the pool of housing available to those who work on the island shrinks, the Beulah Creek development has become even more of a necessity. Hornby serves as a holiday destination for so many in British Columbia who benefit from the opportunity to spend time closer to nature, whether on the beaches, artists' studios, walking trails, or the annual festival. In order to provide this opportunity for thousands of summer visitors, we need housing that is both secure and affordable for those on whose labour our visitors depend.

I have personally witnessed the appalling conditions under which many of our most valued younger workers live. These people, who provide an essential service yet cannot earn enough to purchase and own a secure home, deserve to be given this opportunity for secure rentals so that they can provide the support our businesses and visitors require.

Our community has supported this project for more than a decade and were excited when, in 2018, the province announced that the project would be funded and built. Throughout this process, we have followed the advice of BC Housing, merging our two housing societies to facilitate the process.

While we are aware of the escalation in construction costs, affordable housing remains a priority for our community on which so much else depends. I believe we have reason to expect that a project already vetted and funded should proceed. As in the past, we are prepared to consider cost cutting modifications and negotiate in good faith.

We appreciate the efforts by BC Housing and M'akola and, hoping that we can travel this last mile smoothly, I want to reiterate my personal support for this project and for the Hornby Island Housing Society.

Thank you for reading this.

Sincerely,

Daniel Siegel

Cc: Minister David Eby, Minister Responsible for Housing

Gord Johns, MP, Courtenay-Alberni

Hornby Island Local Trust Committee

Daniel Arbour, CVRD Director

Kevin Albers, CEO; M'akola Housing Society

Powered by Mailbutler, the email extension that does it all: <https://www.mailbutler.io>

From: P Long <phoebeonhornby@gmail.com>
Sent: Thursday, February 3, 2022 10:21 AM
To: northinfo
Subject: Beulah Creek Housing Project-Hornby Island
Attachments: Beulah Creek Project-support.odt

HORNBY ISLAND COMMUNITY KITCHEN/ FOOD BANK
c/o Hornby Island Educational Society,
2100B Sollans Road, Hornby Island, B.C.V0R1Z0

To: Josie Osborne, MLA

I am writing to you today as Board Chair for the H.I. Community Kitchen/Food Bank, one of the programs on the platform of the Educational Society.

I have been a full time resident on Hornby Island for 46 years, operating a small business for 13 years, later as the H.I. Co-op Manager for 18 years.

I am writing this letter to express my support for the development of affordable housing at Beulah Creek. The challenge of acquiring housing has become an enormous problem in our community.

As a former business owner and retail manager I am fully experienced with the extreme difficulty in attracting and maintaining staff when their only option for housing is a tent.

At the Community Kitchen, one of our volunteers recently undertook an informal survey surrounding food security challenges. The number one issue identified was lack of adequate housing, no hydro, no running water or adequate food preparation facility.

You will be aware that the price of land on Hornby with or without a dwelling can be 30-50% above its equivalent in other parts of our province; with the median wage for families with children, 40-50% lower than the BC average. This is a formidable handicap for those seeking a home.

We are a tourism based community with a rapidly disappearing workforce, without which our economy will collapse.

The Beulah Creek Project has been over 10 years in the making and is ready to proceed – we cannot allow this work or our community, to die a slow death.

We ask for your help in moving our housing project forward.

Thank you for your time and consideration.

Sincerely,

Phoebe Long, Board Chair

H.I. Community Kitchen/Food Bank

H.I. Educational Society

From: Karen Ross <karenross@telus.net>
Sent: Tuesday, February 8, 2022 1:42 PM
To: Grant Scott; Alex Allen; Sue Ellen Fast; northinfo
Subject: Fwd: Hornby Island Affordable Housing Endorsements
Attachments: IslandStarsObservatory.pdf; HI Bakery and Pizzeria Support Affordable Housing.pdf; FordCoveStoreCabins.pdf

Dear Islands Trust,

Attached are some letters from long-time Hornby Island businesses that express the community's need for affordable workforce housing.

These letters were sent to the Hornby Island Community Economic Enhancement Corporation for forwarding to the appropriate agencies.

We beseech you for your commitment to seeing the 26-unit Hornby Island Beulah Creek Village built, ASAP.

With thanks,

Karen Ross

Economic Enhancement Officer



From: Ford's Cove Marina Ltd.
10835 Central Road, Hornby Island, BC, V0R1Z0

To: Hornby Island Housing Network (hornbyislandhousing@gmail.com)
(for distribution to the appropriate authorities)

February 5, 2022

Re: Letter in Support of the Beulah Creek Development on Hornby Island

Today we are writing in support of the Beulah Creek Housing Development. Our business has been in operation on Hornby Island since 1971 and over the years we have been thru a lot and one thing that always comes to topic for us is housing for the workforce. This is a constant issue and our employees suffer every single year.

Housing is expensive on Hornby Island and also there is a very limited number of properties on the market. Most working class people can't afford to purchase a home and they rely on rentals which is not a stable market on this island. Finding a home year round is almost impossible.

We need an affordable place for workers to live. Because of the shortage of accommodation a lot of our summer workers end up camping on friends properties but once the warm season is over camping in the winter is not viable due to the wet and cold weather. Without accommodation they cannot set down roots and became part of our community.

It is always sad to say goodbye to a young family or a young worker because they could not find a place to call home. We go thru this every year.

The problem does not stop there because we lose those workers. These are the people working hard to keep our business and other businesses running sometimes working at multiple workplaces to help several businesses survive. This is an awful environment that the shortage of affordable housing has created on this island. Every year this problem makes it harder and harder to find workers.

So today we are writing to urge you support to provide our local workers an opportunity to call this place home and have a proper roof over their heads. Without assistance from the Provincial Government or BC Housing, I think this community will sooner or later will have permanent damage. Please we urge you today not to let our community die.

Thank you very much for time and please do not hesitate to contact us if you need any more information.

Best Regards

Two handwritten signatures are shown side-by-side. The first signature is 'Matthew Fredbeck' and the second is 'Ronaldo Cruz'. Both are written in black ink.

Matthew Fredbeck and Ronaldo Cruz

Island Stars Observatory

February 2, 2022

Re: Letter in Support of the Beulah Creek Affordable Housing Development on Hornby Island

John Nemy
stars@nemy.com

Island Stars Observatory
7420 Anderson Drive
Hornby Island, BC
V0R 1Z0

I am writing this letter to express my support for the development of affordable housing at Beulah Creek.

I want this development to happen because many local people need an affordable place to live.

We as small business owners and residents can not find people to do vital work here on the island. They need a place to live and they need to be part of our community.

We have supported the Beulah Creek Affordable Housing Development for over 20 years.

Without this housing, our community may not be able to sustain itself. We need help.

Thank you for your consideration,

John Nemy
Public Astronomer

From: [REDACTED]
Sent: Friday, February 04, 2022 1:46 PM

Support of the Beulah Creek Development on Hornby Island

To: Hornby Island Housing Network (hornbyislandhousing@gmail.com)
HICEEC (karen@hiceec.org)

My name is Jon Laskin.

Owner/operator of Hornby Island Bakery & Pizzeria located at the 4 corners Downtown Hornby Island.

I have been in operation at this location since June 2020. However, I grew up on Hornby Island beginning when I was 10 years old. Our family rented the Ocean front Thom home/10 acers next to Sea Breeze for \$100. a month.

In 1976 my Dad and his two friends found 80 acers for \$1000 an acer, then they found 5 other couples with \$10,000 and together created SYZYGY Cooperative Community, my Home now.

Fast forward to now.....

Hornby Island is, and has been for the last many years, in desperate need of actual affordable year round, as well as for the Island's essential seasonal hospitality workers, Homes.

As a business owner my Summer hours are constricted due to lack of Affordable Housing for potential workers. I have lists of workers with nowhere to live for the summer to service the Island with Pizza and Baked goods.

This negatively impacts not only our Seasonal Summer tourists, but Islanders as well with forced limited open hours. I could open at 8am rather than noon, but I don't have anywhere for those 4-6 people to live for the summer.

This Lack of Affordable Housing has plagued Hornby Island long enough, there have been enough meetings and opinions on the matter which only have delayed action on what is actually needed – Affordable Housing on Hornby Island.

The Time for Action is Now.

I cannot express my support for this project Strong enough.

Please support the People, Businesses, and the small business owners like myself of Hornby Island with your commitment to this project, which will provide essential Homes for both Islanders and essential service workers.

Thank you for your time and consideration.

Sincerely,

Jon Laskin
Hornby Island Bakery & Pizzeria
2955 Central Rd.
Hornby Island B.C.
V0R-1Z0
250-335-2775

From: SUSAN HEALEY <[REDACTED]>
Sent: Wednesday, February 9, 2022 8:45 PM
To: sramsay@bchousing.org; mmcnaughton@bchousing.org; kbaillie@bchousing.org; josie.osborne.MLA@leg.bc.ca; hornbyislandhousing@gmail.com
Cc: AG.minister@gov.bc.ca; gord.johns@parl.gc.ca; reachme@danielarbour.ca; kalbers@makola.bc.ca; Grant Scott <gscott@islandtrust.bc.ca>; Alex Allen <aallen@islandtrust.bc.ca>; Sue Ellen Fast <sfast@islandtrust.bc.ca>; northinfo <northinfo@islandtrust.bc.ca>
Subject: Beulah Creek Development on Hornby Island

My name is Susan Healey. My husband and I have owned property on Hornby Island for 15 years and have been full-time residents for five years, since our retirement.

I am writing to express support for the creation of affordable housing at Beulah Creek. I support this development because we have been appalled that workers here cannot find safe, affordable accommodation and couples cannot find suitable accommodation for growing families - if they can find accommodation at all.

Many have stable employment or want to start families but cannot do so because they are forced to live in trailers, tents, vans, or to couch surf. Many more have no option but to leave.

The 2018 Housing Needs Assessment identified that two of the top three housing needs on the island were affordable rental housing and family rental housing.

We need help our workers find safe, stable accommodation and to enable island families to grow.

Thank you for your interest in affordable housing on Hornby Island.

Sincerely,
Susan M Healey



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: December 10, 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
 Katherine Vogt, Recorder by Speakerphone

Others Present: Approximately ten (10) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees and staff.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add item 12.5: Hornby Venues and Connectivity.

By general consent the agenda was adopted as amended.

Recorder Katherine Vogt left the meeting at 10:44 am, with permission from Chair Fast, due to technical problems.

3. RISE AND REPORT - IN CAMERA MEETING OCTOBER 8, 2021

Chair Fast reported that at the last in camera meeting of October 8, 2021, Trustees adopted the Minutes of previous *In-Camera* meetings.

4. REPORTS

4.1 Trustee Reports

Trustee Scott provided a summary of activities and meetings attended:

- A recent Trust Council meeting and discussion with Salt Spring Island Trustee Laura Patrick regarding housing shortages affecting hospital workers.
- Trustee Scott will be on the Islands Trust Policy Statement review committee.

- The Thatch development has contended with the discovery of deeper layers of Indigenous material, sensitive Provincial Government and First Nations' negotiations, and delayed communications to local Hornby Trustees. The order of building development at the Thatch has been rearranged so that the Townhome portion of the development is being built first, though it was supposed to have been built last. Going forward, Senior Intergovernmental Policy Advisor Lisa Wilcox will be reporting as much as possible to local Trustees, so that local Trustees can report back to residents.
- A recent meeting with Clare Frater, Director of Trust Area Services, regarding First Nations and Islands Trust communications.

Trustee Allan provided a summary of activities and meetings attended:

- A recent Trust Council meeting.
- The upcoming Hornby Island official Community Plan review will begin in April 2022, will last about a year, and will allow for plenty of public consultation.
- The Draft Islands Trust Policy Statement is undergoing further review, with the hiring of a consultant and public notices going out in January. Hornby resident input is encouraged.
- A region-wide local government community forum electronic meeting which included the Mayor of Sayward.
- Hornby island Residents' and Ratepayers' Association electronic meetings.

4.2 Chair's Report

Chair Fast provided a summary of activities and meetings attended:

- A recent Executive Committee meeting which was a very efficient first full hybrid meeting of in person and electronic participants.
- Public demands for Zoom meeting participation options.
- The Islands Trust draft budget will be coming back for review in March 2022 and Hornby resident input is encouraged.
- An upcoming Bowen Island Municipal Council meeting.

4.3 Electoral Area Director's Report

None.

5. TOWN HALL

Members of the public commented and the following was noted:

- Regarding the Islands Trust Draft Policy Statement, Chair of the Hornby Island Advisory Planning Commission (APC) Wendy Burton, shared that a campaign of disinformation on local Facebook and Twitter forums was disturbing.
- Regarding the Islands Trust Draft Policy Statement, the long-term resident is concerned that Agenda-21 global initiatives were steadily encroaching and influencing the Islands Trust and local communities negatively.
 - Chair Fast advised that the public could email responses to the Islands Trust Draft Policy Statement to Islands 2050 on the Islands Trust website at islandstrust.bc.ca.
 - Trustee Scott requested a copy of the Agenda-21 document.
- Regarding the application HO-SUB-2021.1 (Paterson/Wetzel) for a 10% Lot Frontage Waiver Request; the neighboring resident supports the 10% waiver; but is concerned about the

proposed driveway access and wants planning staff to consider a safer, more manageable, Anderson Road access.

- Chair Fast invited the applicant to email this information to northinfo@islandstrust.bc.ca where it would be directed to the appropriate planner.

6. DELEGATIONS

6.1 Advisory Planning Commission - Wendy Burton, Chair - Official Community Plan (OCP) Language Change Recommendations

APC Chair Wendy Burton noted the following:

It was unfortunate and the fault of no one that the OCP document given in the agenda package obscured the language changes made as highlighted in the original Word document.

- The APC considered that their recommendations were mainly more inclusive, rather than substantial, and that previous OCPs had contained no language that recognized that First Nations had occupied Hornby Island for thousands of years consistently and permanently.
- Under item 1.4 Historical Perspectives, first paragraph, the APC has recommended a substantial change to the existing OCP language which is to replace the following paragraph:

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.

With the following paragraph:

Perhaps the phrase "a people without a history can have no vision for the future," was an attitude of European settlers in the 1600s 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 upland 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.

- Although it is the Kòmoks and Pentlatch people that consider Hornby Island as their traditional permanently occupied territory, there are 5 other First Nations that travelled through the area.
- The APC appreciates being given the opportunity to recommend these OCP language changes and has now moved on to housing and short-term vacation rentals issues with recommendations to be finalized in March 2022.

Chair Fast and Trustees thanked APC Chair Burton and members of the APC for their work on the First Nations OCP Language referral.

6.2 Hornby Island Residents' and Ratepayers' Association (HIRRA) Regarding Establishment of a Hornby Community Heritage Register

6.2.1 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association

Margaret Birch spoke to Trustees on behalf of the Community Hall Committee initiative to establish a Hornby Island Community Heritage Register modeled on the one recently completed on Denman Island. The Register would formalize an official list of historic places which have heritage value or heritage character and would allow for heritage funding opportunities.

Trustees deferred consideration to 14.2 Projects List.

7. MINUTES

7.1 Local Trust Committee Minutes dated October 8, 2021 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 4, Bullet point 5, lines 3 and 5, correct Hornby Island Ratepayers Association (HIRA) with Hornby Island Residents' and Ratepayers' Association (HIRRA)

By general consent the minutes of October 8, 2021 were adopted as amended.

7.2 Local Trust Committee Public Hearing Record dated October 8, 2021 - for receipt

Received.

7.3 Section 26 Resolutions-without-meeting Report dated November 26, 2021

Received.

7.4 Advisory Planning Commission Minutes dated September 24, 2021 - for receipt

Received.

7.5 Advisory Planning Commission Minutes dated October 29, 2021 - for receipt

Received.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated December 1, 2021

Trustee Allan requested further information from Regional Planning Manager Kauer on the status of the revised Watershed Protection and Groundwater Project Charter for next meeting.

Regarding Temporary Use Permits (TUP) for seasonal worker accommodation, Regional Planning Manager Kauer noted that this type of TUP would only be for temporary

accommodations in areas not zoned to allow for it. Advertising for the availability of these TUPs would need to begin soon to allow for accommodations in April 2022.

Trustee Allan expressed his understanding that these TUPs were for moveable accommodations (tents and recreational vehicles), not already existing permanent structures.

Trustees deferred this item to the next agenda.

By general consent the meeting recessed at 11:45 am and reconvened at 12:15 pm.

9. APPLICATIONS AND REFERRALS

9.1 HO-SUB-2020.2 (Gutstein and Burrows 1410 Carmichael Rd.) - 10% Frontage Waiver - Staff Report - for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa, which requests that Trustees consider exempting one of the two lots in the proposed subdivision plan from the 10% frontage requirement, given that one of the lots is a panhandle configuration.

Trustee Allan expressed concern that neighbors were not being notified of these types of waiver applications.

- Regional Planning Manager Kauer responded that it was not a legal requirement.

HO-2021-068

It was MOVED and SECONDED,

that, per *Local Government Act* Section 512(2), that 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 and suggest that the Minister of Transportation and Infrastructure inform the adjacent neighbors as part of the approval process.

CARRIED

9.2 HO-SUB-2021.1 (Wetzel (Patterson) - 2025 Belcarra Rd.) - 10% Frontage Waiver - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa that requests that Trustees consider a 10% frontage waiver for the “Proposed Western Lot” of the HO-SUB-2021.1 subdivision application to minimize Species at Risk vegetation removal for the provision of road access.

The applicant, speaking to Trustees, noted that a north side road access would impact neighbors and an existing trail negatively, thus a south side road access was preferable. Both ends of the road tended to be wet.

Trustee Allan suggested that the traffic safety concerns raised by neighboring resident Barbara Baird during the Townhall session could be addressed in the future by the Ministry of Transportation and Infrastructure (MOTI).

HO-2021-069

It was MOVED and SECONDED,

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.

CARRIED

9.3 HO-DVP-2021.3 (Wall and Bixby -9300 Central Road) - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Dubyna which requests that Trustees deny the application for the siting of a swimming pool and pool shed within the 8.0 metre required setback because the Islands Trust Conservancy Board rejected the proposal for insufficient setback to an adjacent covenant protected oak grove, and because the applicant could build within the required setback.

HO-2021-070

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee deny application HO-DVP-2021.3.

CARRIED

9.4 HO-DVP-2021.2 - (Wiig - 3930 Brigantine Cres.) - Staff Report for decision

Regional Planning Manager Kauer presented the staff report prepared by Island Planner Mahikwa which regards the applicant's request for an LTC waiver of a certified site survey for their new application.

The applicant, speaking to Trustees, explained that a certified site survey at a cost of \$4000.00 was onerous, given that the re-siting of their original tree-destroyed cabin was believed to be grandfathered, was more preferable to their neighbors, and was well within all setbacks.

HO-2021-071

It was MOVED and SECONDED,

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).

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project Business Case - Staff Report for decision

Regional Planning Manager Kauer asked Trustees to consider the sufficiency of their \$15,000.00 funding request from Trust Council to hire a consultant to process new bylaws based on APC recommendations, given that the First Nations' capacity funding needed to review referrals generated by the OCP review may need to come from the same budget.

HO-2021-072

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee requests that the issue of capacity funding for First Nations for Islands Trust referrals be placed on the next Trust Council agenda.

CARRIED

HO-2021-073

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee requests staff to provide clarification on the roles of the consultant, Staff, and Local Trust Committee on the Hornby Island OCP review.

CARRIED

HO-2021-074

It was MOVED and SECONDED,

that the Hornby Island local Trust Committee endorse the business case for the OCP review.

CARRIED

11. CORRESPONDENCE

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

11.1 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay

It was determined that the original Hornby Island Visitors sign, that had for many years, been attached to the external wall of the original B.C. Ferries comfort building at Buckley Bay Terminal, was in an unknown location and that it would be beneficial to find it.

Chair Fast offered to investigate Islands Trust signage protocols and opportunities. Discussion of this item was postponed until the next LTC Business meeting in February 2022.

12. NEW BUSINESS**12.1 2022 Annual Meeting Schedule - for decision and discussion****HO-2021-075**

It was MOVED and SECONDED,

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.

CARRIED

12.2 Advisory Planning Commission - Terms Expiring March 31, 2022 - Staff Report for decision

HO-2021-076

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to 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 advertise for public expressions of interest for new members.

CARRIED

12.3 Ability of Advisory Planning Commission or Working Group to Present as a Delegation - for discussion

Chair Fast explained that LTC meeting procedures on delegations needed to be clarified.

12.4 Screening of Dust 'n Bones - for discussion

Discussion of screening of the film Dust 'n Bones on Hornby Island was postponed until the next LTC business meeting in February, 2022.

12.5 Hornby Venues and Connectivity

The following comments were noted:

- New Horizons and Room to grow have similar internet connectivity problems.
- New Horizons has a large viewing screen and may be able to be connected by Smart Hub. It is a good venue for presentations using the screen.
- New Horizons has no internet connectivity unless the library is operating and there is a booster for the signal. The library is open on Fridays which is the day for LTC meetings.
- It would be beneficial for the Islands Trust Northern Office Administrator Wil Cottingham, to discuss with APC Chair Wendy Burton, the current state of Hornby venues internet connectivity status.

13. REPORTS

13.1 Trust Conservancy Report dated November, 2021

13.1.1 The Heron - Autumn, 2021

Received.

13.2 Applications Report dated December 1, 2021

Received

13.3 Trustee and Local Expense Report dated October, 2021

HO-2021-077

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee requests \$100.00 for registration fees for Trustees Scott and Allan to attend the Virtual Salish Sea Ecosystem Conference in April 2022.

CARRIED

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

Nothing to report.

14. WORK PROGRAM

14.1 Top Priorities Report dated December 1, 2021

Received.

14.2 Projects List Report dated December 1, 2021

HO-2021-078

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add Community Heritage Register to the Projects List.

CARRIED

15. INFORMATION ITEMS - None

16. CLOSED MEETING - None

17. UPCOMING MEETINGS

17.1 Next Regular Meeting - to be determined

The next regular meeting is scheduled for Friday, February 18, 2022 at 10:30 am at a venue yet to be determined.

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:31 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder



Hornby Island Local Trust Committee Minutes of Special Meeting

Date: January 24, 2022
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Katherine Vogt, Recorder

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 1:00 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees, staff and recorder and explained that the meeting was being recorded without a public participation function because it was a special meeting for Trustees to consider electronic and other changes to the current meeting procedures bylaw.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 3.2 Urgent Letter for B C Housing.

By general consent the agenda was adopted as amended.

3. BUSINESS ITEMS

3.1 Meeting Procedure Bylaw No. 170 – for consideration and decision

Regional planning Manager Kauer prepared and presented the staff report which asks that Trustees consider updating the current meeting procedures bylaw to legally allow electronic regular Local Trust Committee (LTC) business meetings; and asks that Trustees consider a request to Trust Council for the addition of a fulltime staff position for electronic meeting support.

Regional planning Manager Kauer noted the following:

- New meeting regulations that replace the expired emergency use authorization for electronic meetings regulations allow Trustees to attend any LTC meeting electronically.

- The new meeting regulations require a physical location for members of the public to watch, but not speak at the meeting. Staff must set up a streaming video at a location that does not have to be on the island where the meeting is occurring.
- Staff recommends the hiring of one fulltime person to facilitate all electronic meetings throughout the Islands Trust.
- Administrative bylaw amendments do not need to go through Public Hearings.

Trustees spoke on the following:

- Public resistance to increasing Islands Trust budgets.
- Possibilities for local hiring of an electronic meeting support person.
- That it was unlikely that just one fulltime staff person could manage all Islands Trust electronic meetings.
- Planning staff time restrictions have been delaying Hornby development applications.

Chair Fast noted the following:

- Hornby Island had recently amended its meeting procedures bylaw in January 2020 to reflect new public participation at meetings guidelines.
- Municipalities received covid funding from the province to adapt to electronic meetings, whereas the Islands Trust and regional districts did not; despite smaller rural locations having greater staffing challenges.

HO-LTC-2022-001

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 170, cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a first time.

CARRIED

HO-LTC-2022-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 170, cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a second time.

CARRIED

HO-LTC-2022-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 170, cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a third time.

CARRIED

HO-LTC-2022-004

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 170, cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw, 2022” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Trustee Scott emphasized that the previous four motions simply allow for LTC meetings to be conducted electronically, if needed; but do not stop or limit delegations and town hall public participation.

HO-LTC-2022-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that the Financial Planning Committee consider allocating funding and resources from the 2022/2023 fiscal year budget to support Hornby Island local Trust Committee electronic meetings.

CARRIED

Chair Fast noted that the agenda package contained a track changes version of the old Meeting Procedures Bylaw No. 160, showing changes that were made to update it to the new Meeting Procedure Bylaw No. 170.

3.2 Urgent Letter for BC Housing

Trustee Scott explained that a recent BC Housing request for letters of support for Beulah Creek Community Housing on Hornby Island was time sensitive.

HO-LTC-2022-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that Trustee Scott draft a letter in support for Beulah Creek Community Housing to forward to Trustee Allen for support to forward to Chair Fast for support to sign and send to BC Housing.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2022-002 "Hornby Island Local Trust Committee Bylaw No. 170, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw, 2022", be adopted."	Carried	04-Feb-2022
2022-001 "That Hornby island Local Trust Committee hold an electronic Special meeting for the consideration of a new Meeting Procedure bylaw prior to January 27, 2022".	Carried	21-Jan-2022
2021-004 "That the Hornby Island Local Trust Committee provide a letter of support for the application of K'omoks First Nation to Department of Fisheries and Oceans for an Area Based Aquaculture Management pilot project in the Baynes Sound Lambert Channel area; and that such letter be signed by the Chair".	Carried	15-Dec-2021



Minutes of the Hornby Island Advisory Planning Commission

Date: Friday, November 26, 2021
Location: Hornby Island Community Hall
 4305 Central Road, Hornby Island, BC

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

Staff Present: Katherine Vogt, Recorder by Speakerphone

Regrets: Christine Amabilino Hunt

Others Present: Barb Baird, Hornby Island Housing Society Member
 April Lewis, Hornby Island Housing Society Member
 Katherine Ronan, Hornby Island Community Economic Enhancement Corporation Secretary

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She acknowledged that the meeting was being held in the territory of the Pentlatch and K'ómoks people. She welcomed members and recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 4 changed to Meeting Procedures Update; Item 5 changed to Consolidated Version of the Hornby Island Official Community Plan.
- Resignation of Kim Fagerlund moved to Item 6; Presentation of Recommendations about Indigenous References in OCP and LUB for local Trust meeting moved to item 7; all further agenda items moved forward.

By general consent the agenda was adopted as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated October 29, 2021 for adoption

By general consent the Minutes were adopted as presented.

4. Meeting Procedures Update

Chair Burton spoke on the recent update from Regional Planning Manager Heather Kauer which notes that electronic meetings have been recently suspended by ministerial order; also, that Advisory Planning Commission (APC) meetings are considered an essential service for attendance by members of the public.

It was considered that if people were seated, masked and distanced, that the APC meetings could go ahead with members of the public present as limited by the capacity of the Hornby Island Community Hall to accommodate 6-foot distancing.

5. Consolidated Version of the Hornby Island Official Community Plan

Chair Burton explained that just prior to submitting to planning staff, the APC Indigenous References recommendations based on the 91-page Hornby Island Official Community Plan Bylaw No. 149, 2014; that she was informed of a consolidated version of the Official Community Plan (OCP). After reviewing the consolidated document, Chair Burton noticed punctuation changes but not any language changes. She had recently requested from planning staff that copies of the consolidated OCP be provided for all APC members.

6. Resignation of Kim Fagerlund

Chair Burton announced that Kim Fagerlund had resigned from the APC due to work time constraints. This information had been forwarded to planning staff and the local Trustees. It was not yet known if planning staff would seek a replacement member.

7. Presentation of Recommendations about Indigenous References in OCP and LUB for Local Trust Committee meeting

Chair Burton offered to present a 10-minute summary review of the APC recommended Indigenous References changes to the OCP for the December 10, 2021 Local Trust Committee meeting.

8. Referral: Fee structure recommendation

Chair Burton explained that local Trustees, at their October 8, 2021 meeting, had decided to forward a recent Request for Decision referral from David Marlor, Director of Local Planning Services, dated September 15, 2021, which asks the Trustees to accept a new fee bylaw based on the recently updated Trust Council model fee bylaw, or for Trustees to modify this model fee bylaw to local conditions. Fees relate to the staffing costs of processing various types of applications, permits and amendments to bylaws and are set to recover approximately 80% of total processing costs.

HO-APC-2021-003

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the Hornby Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy 5.6.1 Application Processing Services

CARRIED

APC members added a note to this resolution to convey to Trustees that Temporary Use Permit (TUP) fees needed further special consideration.

Chair Burton welcomed Barb Baird, member of the Hornby Island Housing Society, at 1:35 pm.

9. Discussion: Small Working group feedback on OCP and LUB housing and short-term rentals

At the previous APC meeting, members had formed between meeting working groups to study a compilation of formal and informal housing documents. Chair Burton read out the homework presentation from distant APC member Christine Amabilino Hunt and then invited all other members to present their findings. A discussion between APC members and resource persons ensued.

Chair Burton welcomed Katherine Ronan, Secretary of the Hornby Island Community Economic Enhancement Corporation at 2:21 pm.

10. Next Steps and Timeline

APC members and some resource persons each chose a few housing subjects to investigate for discussion at the next meeting.

11. Next Meeting

The next APC meeting will be held at the Hornby Island Community Hall on Friday, January 14, 2022 between 1:00 and 3:00 pm. A second meeting is planned for January 28, 2022.

12. ADJOURNMENT

By general consent the meeting was adjourned at 2:58 pm.

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder

DATE OF MEETING: February 18, 2022
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That the Hornby Island Local Trust Committee Bylaw No. 169, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2022”, be given First, Second, and Third Reading.
2. That the Hornby Island Local Trust Committee Bylaw No. 169, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The purpose of this report is for the Hornby Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 169 which would replace Bylaw No. 132 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the October 2021 regular business meeting, the LTC passed the following resolution:

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

At their November 26, 2021 meeting, the Hornby Advisory Planning Commission passed the following resolution:

HO-APC-2021-003**It was MOVED and SECONDED,**

that the Hornby Island Advisory Planning Commission recommends that the Hornby Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy 5.6.1 Application Processing Services.

CARRIED

APC members added a note to this resolution to convey to Trustees that Temporary Use Permit (TUP) fees needed further special consideration.

Comparison Tables

MODEL BYLAW APPLICATION DESCRIPTIONS		EXISTING BYLAW
TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)		
Type of Application	Fee : MODEL BYLAW	BYLAW NO. 132
1. Major (e.g. change to density or OCP)	\$7,800	\$4,950 see 2.
2. Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600	\$4,400 see 1 and 3

TABLE 2 – Permits		
Development Permit in Respect of:	Fee : MODEL BYLAW	BYLAW NO. 132
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000	\$440
2. Protection of Development from Hazardous Conditions	\$1,000	\$440
3. Protection of Farming	\$1,000	New
4. Objectives for Form and Character	\$1,700	\$600
5. Objectives to Promote Energy Conservation	\$1,000	New
6. Objectives to Promote Water Conservation	\$1,000	New
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000	New
8. Development Permit Amendment	\$1,000	\$165

Development Variance Permit :	Fee : MODEL BYLAW	BYLAW NO. 132
9. Development variance permit (commercial, industrial or institutional development)	\$1900	\$935
10. Development variance permit (residential development)	\$1900	\$715
TABLE 2 – Permits continued		
Type of Temporary Use Permit	Fee : MODEL BYLAW	BYLAW NO.132
11. Temporary Use Permit (residential/commercial/industrial)	\$2150	\$1,100 (residential not included)
12. Temporary Use Permit, non-profit & home based business <3 months per annum	Not in Model	\$440
13. Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide community benefit.	\$1000	New
14. Temporary Use Permit Renewal	\$700	\$165
15. Temporary Use Permit Renewal (Community Benefit)	\$350	New
Other Permits	Fee : MODEL BYLAW	BYLAW NO. 132
16. Siting and Use Permit	\$250	\$165
17. Heritage Alteration Permit	\$1,700	New
Combination Applications	Fee : MODEL BYLAW	BYLAW NO. 132
18. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500	New
19. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000	New
20. Development Permit in combination with a companion application for a	Not in Model	\$715

Development Variance Permit in respect of a residential development		
21. Development Permit in combination with a companion application for a Development Variance Permit in respect of a commercial, industrial, or institutional development.	Not in Model	\$935
Combination Applications	Fee : MODEL BYLAW	BYLAW NO. 132
22. Siting and Use Permit in Combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$715
23. Siting and Use Permit in Combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional)	Not in Model	\$935
24. Siting and Use Permit in Combination with a companion application for a Development Permit in respect of a protection area.	Not in Model	\$550
25. Siting and Use Permit in Combination with a companion application for a Development Permit in respect of a form and character area.	Not in Model	\$660

TABLE 3 – Subdivision Referrals		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.132
1. Application for Subdivision Review – base fee	\$1,000	\$1,100
2. Application for Subdivision Review – per additional lot created	\$100	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500	\$330

MODEL BYLAW APPLICATION DESCRIPTIONS		EXISTING BYLAW
TABLE 4 – Other Applications		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.132
1. Board of Variance	\$2,200	\$990
2. Land Use Contract amendment	\$2,000	\$4,400
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500	\$750
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications.	Not in Model regulations have changed	\$2,000
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500	\$100
6. Strata Conversions	\$1,500	1,100

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In October, the LTC requested staff to refer the model bylaw to the APC. At their October 2021 meeting, the APC recommended that the LTC ask staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 169 is attached. It is consistent with the model with the exception of the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Heather Kauer Regional Planning Manager	January 25, 2022
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ATTACHMENTS

1. Draft Bylaw No. 169

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 169

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Hornby Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Hornby Island Local Trust area), in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Hornby Island Local Trust Committee Fees Bylaw, 2022".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Hornby Island Local Trust Committee Development Procedures Bylaw No. 74, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits		
Column 1: Development Permit in Respect of:		Column 2: Fee
1.	Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2.	Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
9.	Protection of Farming	\$1,000
10.	Objectives for Form and Character	\$1,700
3.	Objectives to Promote Energy Conservation	\$1,000
4.	Objectives to Promote Water Conservation	\$1,000
5.	Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
11.	Development Permit Amendment	\$1,000
Type of Development Variance Permit		
12.	Development variance permit (commercial, industrial or institutional development)	\$1900
13.	Development variance permit (residential development)	\$1900
Type of Temporary Use Permit		
14.	Temporary Use Permit (residential/commercial/industrial)	\$2150
15.	Temporary Use Permit Renewal	\$700
Other Permits		
16.	Siting and Use Permit	\$250
17.	Heritage Alteration Permit	\$1,700
Combination Applications		
18.	Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
19.	Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Hornby Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

DRAFT

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 "Hornby Island Local Trust Committee Fees Bylaw No. 132, 2007" is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

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		Completed
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

10-Dec-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

10-Dec-2021

Activity	Responsibility	Dates	Status
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.	Becky McErlean Teresa Mahikwa		In Progress
2 That the Hornby Island Local Trust Committee deny application HO-DVP-2021.3.	Becky McErlean Jaime Dubyna Penny Hawley		Completed
3 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).	Teresa Mahikwa		In Progress
4 HO LTC moves that the issue of capacity funding for first nations dealing with referrals from Islands Trust be placed on the next Trust Council agenda.	Becky McErlean Heather Kauer		In Progress
5 HO LTC request staff to provide clarification on the roles of the consultant, staff, HO APC, and the HO LTC with regards to the OCP/LUB project	Heather Kauer		In Progress
6 HO LTC endorse the business case for the Hornby OCP / LUB project.	Heather Kauer		In Progress

Follow Up Action Report

Hornby Island

10-Dec-2021

Activity	Responsibility	Dates	Status
7 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 <i>Meetings scheduled with April 29 meeting rescheduled to May 6 by RWM.</i>	Heather Kauer Wil Cottingham		Completed
8 That the Hornby Island Local Trust Committee request staff to: a. In February 2022, 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 in March, 2022.	Heather Kauer Penny Hawley		In Progress
9 That the LTC approve registration fees for the April, 2022 Salish Sea conference for Trustees Scott and Allen.	Becky McErlean Penny Hawley		Completed
10 Postpone discussion of a Dust n' Bones viewing until the first meeting in 2022.	Becky McErlean Heather Kauer		In Progress
11 That the HO LTC add the establishment of a Community Heritage Register to the Projects List.	Heather Kauer		In Progress
12 The LTC approved the 10% frontage waiver related to HO-SUB-2020.2 (Gutstein).	Teresa Mahikwa		In Progress



Follow Up Action Report

DATE OF MEETING: February 18, 2022
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

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20. Development Permit in combination with a companion application for a	Not in Model	\$715

Development Variance Permit in respect of a residential development		
21. Development Permit in combination with a companion application for a Development Variance Permit in respect of a commercial, industrial, or institutional development.	Not in Model	\$935
Combination Applications	Fee : MODEL BYLAW	BYLAW NO. 132
22. Siting and Use Permit in Combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$715
23. Siting and Use Permit in Combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional)	Not in Model	\$935
24. Siting and Use Permit in Combination with a companion application for a Development Permit in respect of a protection area.	Not in Model	\$550
25. Siting and Use Permit in Combination with a companion application for a Development Permit in respect of a form and character area.	Not in Model	\$660

TABLE 3 – Subdivision Referrals		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.132
1. Application for Subdivision Review – base fee	\$1,000	\$1,100
2. Application for Subdivision Review – per additional lot created	\$100	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500	\$330

MODEL BYLAW APPLICATION DESCRIPTIONS		EXISTING BYLAW
TABLE 4 – Other Applications		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.132
1. Board of Variance	\$2,200	\$990
2. Land Use Contract amendment	\$2,000	\$4,400
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500	\$750
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications.	Not in Model regulations have changed	\$2,000
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500	\$100
6. Strata Conversions	\$1,500	1,100

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In October, the LTC requested staff to refer the model bylaw to the APC. At their October 2021 meeting, the APC recommended that the LTC ask staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 169 is attached. It is consistent with the model with the exception of the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Heather Kauer Regional Planning Manager	January 25, 2022
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ATTACHMENTS

1. Draft Bylaw No. 169

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 169

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Hornby Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Hornby Island Local Trust area), in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Hornby Island Local Trust Committee Fees Bylaw, 2022".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Hornby Island Local Trust Committee Development Procedures Bylaw No. 74, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits		
Column 1: Development Permit in Respect of:		Column 2: Fee
1.	Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2.	Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
9.	Protection of Farming	\$1,000
10.	Objectives for Form and Character	\$1,700
3.	Objectives to Promote Energy Conservation	\$1,000
4.	Objectives to Promote Water Conservation	\$1,000
5.	Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
11.	Development Permit Amendment	\$1,000
Type of Development Variance Permit		
12.	Development variance permit (commercial, industrial or institutional development)	\$1900
13.	Development variance permit (residential development)	\$1900
Type of Temporary Use Permit		
14.	Temporary Use Permit (residential/commercial/industrial)	\$2150
15.	Temporary Use Permit Renewal	\$700
Other Permits		
16.	Siting and Use Permit	\$250
17.	Heritage Alteration Permit	\$1,700
Combination Applications		
18.	Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
19.	Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Hornby Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

DRAFT

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 "Hornby Island Local Trust Committee Fees Bylaw No. 132, 2007" is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

From: Lisa Wilcox <lwilcox@islandstrust.bc.ca>
Subject: Screening of Dust n Bones on Hornby
Date: October 14, 2021 at 9:26:19 AM PDT
To: Hornby Island Local Trust Committee
<HornbyIslandLocalTrustCommittee@islandstrust.bc.ca>

Dear Hornby Trustees and Chair, the LTC has an outstanding item on the FUAL list from December 2017:

·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.

The other week Denman LTC hosted a screening of Dust n Bones on Denman. The event went well and both Harold Joe (Cowichan Tribes) and Leslie Bland mentioned it was probably one of the most engaging Q & A sessions they have ever had. If you feel there is interest in your community to host a screening please let me know and I would pay for the screening from the reconciliation budget.

Cost for screening and attendance by Harold Joe and Leslie Bland: \$1500
Cost for posters and other advertising: \$
Cost for renting the hall or screening location: \$
Trustee time coordinating community: voluntary
Snacks or refreshments: \$

If you have someone in the community that would like to help coordinate or would like to volunteer to coordinate this on your behalf please let me know. A date that works for the community would have to be arranged, and it is most likely that staff could not attend due to overtime costs, however, Harold and Leslie are familiar with presenting to communities.

Chen wanáxwstúmi (respectfully),
Lisa Wilcox, kwakwemtenaat
Senior Intergovernmental Policy Advisor
Islands Trust
200-1627 Fort Street | Victoria BC V8R 1H8
T 250-405-5174

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəḡən məsteyəx", Scia'new, səliłwətaʔt, SEMYOME, shishálh, Skwəxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymıx", and x"məḡk"əyəm.

Disclaimer: Territorial acknowledgements are just one small part of reconciliation. Please take a moment to think of other ways you can enact reconciliation.



BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Denman Island Local Trust Area Bylaw No.: 241 (OCP) and 242(LUB) Date: December 8, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 28 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Denman Housing Association, Simon Palmer, 3720 East Road, Denman Island, BC V0R 1T0

PURPOSE OF BYLAW:

The intent of this proposal is to consider an application to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) to enable the transfer of density from one parcel to another for market housing and permit a proposed 20 unit multi-family rental housing development "Denman Green" on a third parcel in the village core.

Proposed Bylaw No. 241 (OCP), if adopted, would introduce new general policies in the OCP to enable the transfer of density from one parcel to another for the purposes of multi-family affordable housing; and require Energy Step Code compliance for any dwellings as a result of rezoning or density transfer. Geographically specific revisions include: re-designation of the receiver parcel (PID 000-393-941) from 'Commercial' to 'Residential' for affordable housing; and re-designation of the receiver parcels (PID 031-395-864/872) from 'Rural' to 'Residential' to permit eventual subdivision of the two parcels into a total of five lots for market housing. Staff anticipate a number of changes to the draft bylaw at second reading, to remove duplication of policies currently contained in Bylaw No. 233 (DCLTA) which is currently under review by the Minister.

Proposed Bylaw No. 242 (LUB), if adopted, would:

- Amend the zoning of the donor parcel (PID 009-704-523) to reduce the maximum permitted density from seven dwellings to four.
- Amend the zoning of the receiver parcel for affordable housing for 'Denman Green' (PID 000-393-941) from 'Commercial' to a site specific zone 'Affordable Housing – R4(1)' zone and introduce site specific regulations for density, setbacks, height, lot coverage and maximum floor area.
- Amend the zoning of the receiver parcels for market housing (PID 031-395-864/872) from 'Rural 2 (R2)' to 'Residential 1(5) – R1(5)' and introduce site specific regulations for Energy Step Code Compliance, increased setbacks to the provincial park/conservation covenant boundaries; maximum density and minimum lot size.

GENERAL LOCATION:

Denman Island

LEGAL DESCRIPTION:

Donor parcel- PID: 009-704-523 The South West ¼ of Section 13, Denman Island, Nanaimo District, Except Part in Plan VIP71627;
Receiver parcel (affordable housing) – PID: 000-393-941 Lot B, Section 18, Denman Island, Nanaimo District, Plan 36263 Except Plan EPP113337;
Receiver parcels (market housing) PID: 031-395-864 Lot 4, Section 28, Denman Island, Nanaimo District, Plan EPP1058119 and PID: 031-395-872 Lot 5, Section 28, Denman Island, Nanaimo District, Plan EPP105119

SIZE OF PROPERTY AFFECTED:

Donor parcel – 136 ha
Receiving parcel (affordable housing) – 1 ha
Receiving parcel (market housing):
Lot 4 - 6.3 ha; Lot 5 – 7.9 ha

ALR STATUS:

Donor parcel contains
ALR land but density is
being reduced on non
ALR portion.

OFFICIAL COMMUNITY PLAN DESIGNATION:

Several Designations – See Bylaw Appendices

OTHER INFORMATION:

All relevant background information including professional water and sewage reports are posted to the Islands Trust current applications webpage: <https://islandstrust.bc.ca/island-planning/denman/current-applications/>
Please contact Sonja Zupanec, Island Planner at 250.247.2211 directly with any questions

Please fill out the Response Summary on page 3 of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

S. Zupanec

(Signature)

Name: Sonja Zupanec

Title: Island Planner

This referral has been sent to the following agencies and First Nations:

First Nations

K'omoks First Nation,
Qualicum First Nation,
Tla'amin Nation,
Snaw'now'as Nation,
Te'Mexw Treaty Association,
We Wai Kai Nation,
Snuneymuxw First Nation
Nanwakolas Council,
We Wai Kum Nation,
Xwemanlhkwu (Homalco) First Nation
Hul'qumi'num Treaty Group
Stz'uminus (Chemainus) First Nation,
Ts'uubaa-asatx (Lake Cowichan First Nation),
Halalt First Nation,
Lyackson First Nation,
Penelakut Tribe;
Cowichan Tribe

Federal Agencies

N/A

Provincial Agencies

N/A

Regional Agencies

Island Health
Comox Valley Regional District– Planning
School District 71

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

Non-Agency Referrals

Denman Island Advisory Planning Commission
Denman Conservancy
Denman Fire Department

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☐
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Denman Island Local Trust Area

 (Island)

 (Name)

 (Title)

 (Date)

241 (OCP) and 242 (LUB)

 (Bylaw Number)

 (Signature)

 (Agency)

 (Phone Number)

STAFF REPORT

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

(x ref HO-SUP-2021.7)

DATE OF MEETING: February 18, 2022

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: **Development Variance Permit application HO-DVP-2021.2 (Wiig)**

Applicant: Sigurd Wiig

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

Legal STRATA LOT 3, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, STRATA

Description: 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 approve issuance of Development Variance Permit HO-DVP-2021.2 (Wiig).

REPORT SUMMARY

The purpose of this staff report is to introduce Development Variance Permit application HO-DVP-2021.2 for consideration by the Hornby Island Local Trust Committee (LTC). The application proposes an increase in the maximum height of an accessory building (studio) from 6.0 metres, to a maximum of 6.46 metres (see site plan and photos in Attachment 2). The subject property is at 3930 Brigantine Crescent, Hornby Island and is 1.00 ha (2.471 ac) in size and is zoned Agriculture 1 (A1), and is also within the Agricultural Land Reserve (ALR).

BACKGROUND

As noted in the previous staff report for the December 10, 2021 LTC meeting, a storm in January 2020 caused a tree to fall and cause extensive damage to an accessory building (studio) on the subject property. The applicant then constructed a new accessory building to replace it – they ultimately chose a new location on the site in order to prevent similar damage by falling trees/tree limbs in the future. The applicant was not aware of the need to apply for a Siting and Use Permit (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 of the need to apply for a Development Variance Permit (DVP) and that their SUP application would be held in abeyance until the DVP application 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. At the December 10, 2021 regular business meeting, the LTC passed the following draft resolution:

HO-2021-071

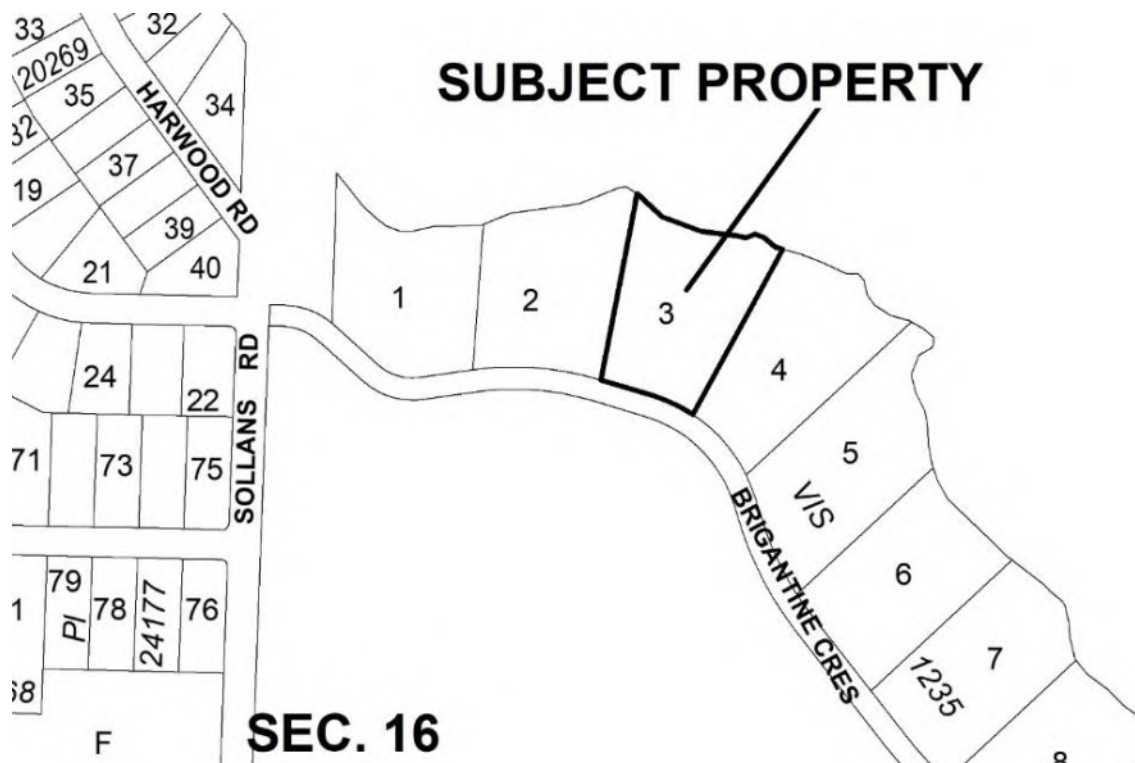
It was MOVED and SECONDED,

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).

CARRIED.

Following the December LTC meeting, staff continued to process and review this application without the survey plan, and was therefore unable to confirm whether or not there are other siting requirements that may not be complied with (e.g. setback from the natural boundary of the sea, setbacks from lot lines etc.), as well as whether or not there are any additional variances that may need to be addressed on the subject property. Therefore, the request for the additional height of the accessory building (studio) is the only variance that is being considered by this application at this time.

Figure 1: Subject Property Map



ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

Land Use Bylaw:

Section 3.4(3) of the LUB states that: “Accessory buildings and structures must not exceed a height of 6.0 metres.”

Thus, the applicant is requesting an additional 0.46 metres of height to permit their constructed accessory building (studio) to be a maximum of 6.46m instead of 6.0m.

Agricultural Land Reserve (ALR)

Although the subject property is within the ALR, it is Planning staff’s understanding through discussion with staff at the Agricultural Land Commission (ALC), that the ALC’s most recent regulatory changes regarding residential buildings in the ALR do not apply to this variance request, as the ALC leaves the definition and regulation of maximum building heights to the local government bylaws.

Statutory Requirements – Notification

Notification of this DVP application (Attachment 3) was distributed to neighbouring property owners and tenants within 100 metres in accordance with statutory requirements. No correspondence had been received prior to distribution of the notification; any submissions received following the preparation of this staff report will be presented to the LTC for their consideration during their regular business meeting on February 18, 2022.

Rationale for Recommendation

Given that the accessory building (studio) was constructed well-back from lot lines (as shown in the Site Plan in Attachment 2), staff anticipate that this request for an increase in maximum height would be minor in nature and would not have a negative effect on neighbouring properties or sensitive ecosystems. Thus, Staff are recommending approval of this variance request, as noted on page 1 of this report.

ALTERNATIVES

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

1. Request further information

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

That the Hornby Island Local Trust Committee request further information prior to making a decision on application HO-DVP-2021.2 [specify information required].

2. Deny the application

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

That the Hornby Island Local Trust Committee deny application HO-DVP-2021.2 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation, staff will issue the Development Variance Permit as drafted in Attachment 4.

Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	January 20, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	January 20, 2022

ATTACHMENTS

1. Site Context
2. Site Plan & Photos
3. DVP Notice
4. Draft Development Variance Permit

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: 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: (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>.
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

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



2.3 NEW ACCESSORY BUILDING CONSTRUCTION (IN NEW LOCATION)







NOTICE
HO-DVP-2021.2 (WIIG, Hornby Island)
HORNBY ISLAND LOCAL TRUST COMMITTEE

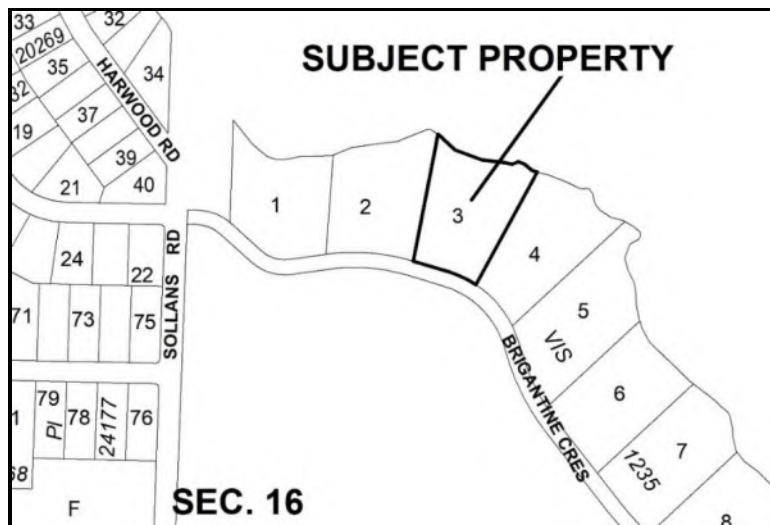
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Hornby Land Use Bylaw No. 150, 2014 by:

- Increasing the maximum allowable height of an accessory building (studio) from 6.0 metres to 6.46 metres.

The property is located at 3930 Brigantine Crescent, Hornby Island, BC and is legally described as:

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).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Tuesday to Thursday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/hornby/current-applications/> commencing **February 4, 2022** and continuing up to and including **February 17, 2022**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, an additional copy of the Proposed Permit may be inspected at the Notice Board on Hornby Island.

Enquiries or comments should be directed to Teresa Mahikwa, Island Planner at (250) 247-2200, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **February 17, 2022**.

The Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:30 am, Friday, February 18, 2022**. Live Stream: <https://collaboratevideo.net/islandstrust/E>

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 ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2021.2**

To: Sigurd Wiig

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

PID: 000-941-263

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

2. The Hornby Island Land Use Bylaw 150, 2014 is varied as follows:

- a) PART 3 GENERAL REGULATIONS, Section 3.4 Height Regulations, Subsection (3), which states that **“Accessory buildings and structures must not exceed a height of 6.0 metres”**, is varied to increase the maximum allowable height of an accessory building (called the “Relocated Studio” in Schedule “A” – Site Plan) from 6.0 metres to **6.46 metres**.

The development shall be consistent with Schedule ‘A’- Site Plan which is attached to and forming part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE HORNBY LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

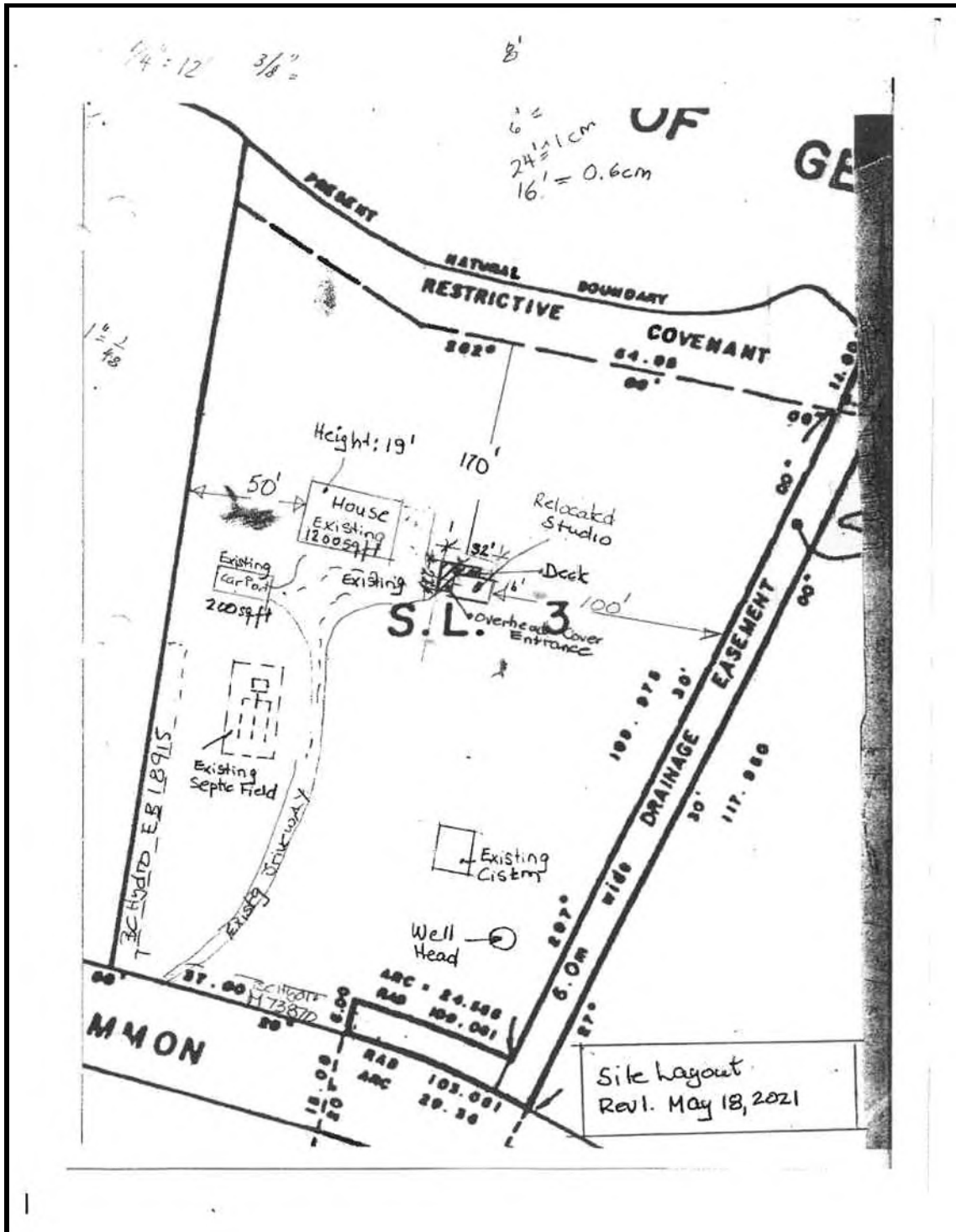
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

HORNBY ISLAND LOCAL TRUST COMMITTEE

HORNBY - DVP-2021.2

SCHEDULE 'A' - SITE PLAN



From: Alan Morinis [REDACTED]
Sent: Monday, January 31, 2022 2:36 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: [REDACTED]
Subject: re: HO-DVP-2021.2 (WIIG, Hornby Island)

Dear Teresa Mahikwa,

I am a neighbour of the property seeking a height variance for its studio building. That property is located at 3930 Brigantine Crescent and our property is at 4070 Brigantine. I want to comment that I have absolutely no objection to the issuance of this variance. The building is off the road, in the trees, out of anybody's sightlines and in no way a blemish on the property or the neighbourhood. I understand that rules are rules, but the height difference of 46 cm is trivial.

Thank you.

Alan Morinis

STAFF REPORT

File No.: HO-DVP-2022.1
(Ref. No. HO-DP-2022.1)

DATE OF MEETING: February 18, 2022
TO: Hornby Island Local Trust Committee
FROM: Teresa Mahikwa, Island Planner
Northern Team
SUBJECT: Development Variance Permit Application
Applicant: Hornby Island Resort Ltd. (Jack Hornstein)
Location: 4305 Shingle Spit Rd.; PID 028-882-075; LOT 1 SECTION 4 A TOWNSHIP
HORNBY NANAIMO DISTRICT PLAN EPP20609

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.1 (Hornby Island Resort).

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application HO-DVP-2022.1, which proposes variances to the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) in order to:

- Increase the maximum allowable height of two accessory buildings (visitor accommodation units) from 6.0 metres to 7.0 metres; and
- Decrease the required setback from the natural boundary of the sea for a proposed sewage disposal field from 30.0 metres to 18.0 metres.

The DVP application is accompanied by Development Permit (DP) application HO-DP-2022.1, which the LTC will be asked to consider following consideration of HO-DVP-2022.1. A separate staff report for HO-DP-2022.1 will follow.

Staff are recommending issuance of HO-DVP-2022.1.

BACKGROUND

The subject property is a 0.76-hectare (1.88 acre) waterfront lot located on the southwest shore of Hornby Island, adjacent to the BC Ferries landing with a zoning designation of Commercial 3 - Comprehensive Commercial (C3). The subject property is a hooked lot, split by Shingle Spit Road, shown in Figure 1 below. There have been several planning applications made over the years for the subject property. The application history is itemized in the Site Context (Attachment 1).

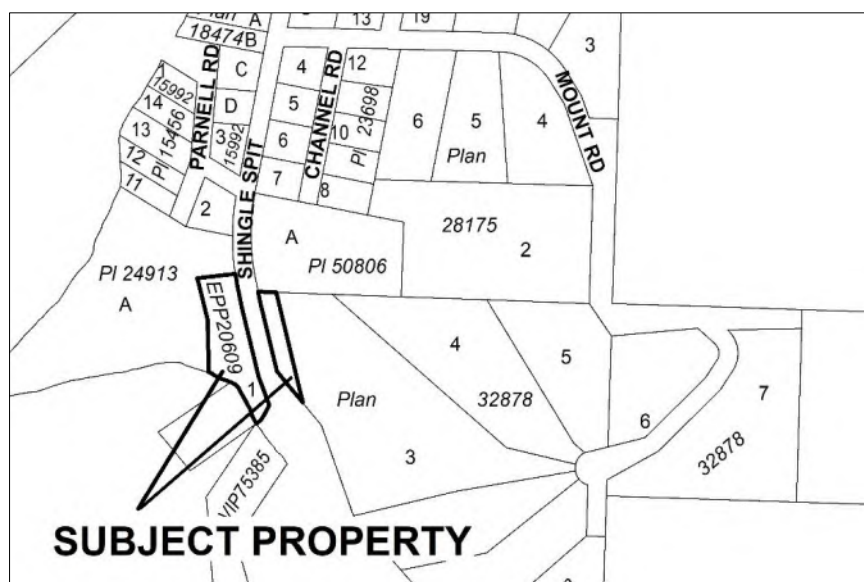


Figure 1. Subject property map

This application proposes the following variances to the Hornby Island Land Use Bylaw No. 150, 2014 (LUB):

- An increase in height for two accessory buildings and structures (visitor accommodation units in Buildings “B” and “C”), from 6.0 metres to 7.0 metres; and
- A decrease in the required setback from the natural boundary of the sea for a proposed sewage disposal field from 30.0 metres to 18.0 metres.

A copy of the draft DVP is included as Attachment 2, and the public Notice as Attachment 3.

Staff have not received public letters of support or opposition at the time of completion of this report. Any correspondence received will be presented to the LTC for their consideration at the February 18, 2021 LTC regular business meeting.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

Islands Trust Policy Statement:

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

- **Directive Policy 5.1.3** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.*
- **Directive Policy 5.2.3** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*

Hornby Island Official Community Plan (OCP):

The subject property is designated as **Retail and Personal Service/Visitor Accommodation (CS/VA)** in the OCP. The CS/VA land use designation includes objectives and policies that support small-scale commercial principal uses and secondary low density visitor accommodation residential uses, while being sensitive to the environment and protecting the quiet and rural character of Hornby Island.

The subject property is also located within the **Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA)** in the OCP. See the accompanying staff report for HO-DP-2022.1 for more details regarding the DPA guidelines.

Hornby Island Land Use Bylaw (LUB):

The subject property is zoned **Commercial 3 – Comprehensive Commercial (C3)** and **C3A** in the LUB. Permitted uses in the C3 zone allow for a pub/restaurant, retail/office, as well as accessory visitor accommodation units, and residential use.

The proposed development already has an existing Development Permit (issued as HO-DP-2019.5), and is consistent with the regulations of the LUB except for the following:

- **3.3 (7)** *Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea; and*
- **3.4 (3)** *Accessory buildings and structures must not exceed a height of 6.0 metres.*

Issues and Opportunities

Variance Request to Increase Height of Two Accessory Buildings (Visitor Accommodation Unit Buildings B & C)

In consideration of the proposed height increases of two accessory buildings (Buildings B & C), staff consider applicable OCP policies for the subject property's land use designation (CS/VA), including scenic values and/or visual aesthetics, as well as any impacts on neighbouring properties.

The overall proposed development is supported by OCP Policy 6.5.1.2, which provides, "*Existing smaller commercial service centres with accommodation facilities should be retained at Fords Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property)*"; and by the C3 zoning regulations in the LUB.

Also relevant to this proposal, OCP policies 6.5.1.6, 6.5.1.7, 6.5.1.12, and 6.5.2.1 each reference or encourage "small-scale" commercial development and/or accessory residential use. Staff note that while the term "small-scale" is used throughout the OCP, a definition is not provided for the term. When analysing relevant OCP policies that utilize the term, it is the opinion of staff that the term "small-scale" is used to limit the *extent of a use*, rather than on the *size of a building*. In this case, staff feel that "small-scale" is achieved by limiting the number of visitor accommodation units (which the LUB has regulated a maximum of 15).

Generally, height regulations are established to reduce visual impacts on neighbouring properties and to maintain scenic views. Given the location of the proposed accessory buildings downslope of neighbouring residential properties to the east (beyond the subject property's C3(a)-zoned parking lot), staff are of the opinion that the proposed increase in height will result in minimal visual impacts. It is noted that the proposed accessory buildings may potentially impede scenic views of the ocean from the roadway; however, given the general topography of this area, it is likely ocean views would be impeded regardless of whether the building is 6.0m or 7.0m in height.

Applicant's Rationale, Archaeological Sites, & First Nations Engagement

For the reasons below, staff are also satisfied that a 1.0 m increase to the allowable height of Buildings B and C would be supportable. The applicant has provided the following rationale for the 1.0m height variance request for Buildings B & C:

“Due to unforeseen archaeological conditions it has been requested that excavation is kept to a minimum on the site. The developer is seeking to allow more flexibility in where the finished floor elevations will eventually be located for Building B and Building C. An additional 1m will allow for less excavation for the two remaining four-plex buildings in phase 2. Please note that these two buildings will still have a lower geodetic elevation than Buildings D + E.”

As noted in the site context (Attachment 1), a known archaeological site exists at this location. Under the *Heritage Conservation Act* (HCA), all archaeological sites in British Columbia are protected, whether on public or private land, whether the presence of a site is documented or unknown.

Staff have received a written letter of support for this variance request from the BC Archaeology Branch, as the “proposed variance would serve to support the conservation and protection of irreplaceable heritage – which is of great cultural importance to the K’omoks Nation community, other First Nations and the Province – by leaving more of the landscape intact and unaltered, and further our shared desire for reconciliation...and it is our collective hope that Islands Trust take this into consideration when determining the merits of the requested variance.”

Furthermore, the applicant has a signed agreement with K’omoks First Nation (KFN) regarding their support of the height variance request in order to minimize impacts to archaeological deposits, including potential ancestral remains. At the time of writing this report, KFN staff have informed IT planning staff that they have met with the applicant to discuss the plans and variances and will be presenting to KFN Chief and Council for a decision. IT planning staff hope that an update from KFN will be received prior to the February 18 LTC meeting; but if not, staff recommend that the LTC pursue “Alternative 1” on page 5 of this report until additional information and comments are received from KFN.

Variance Request to Decrease Proposed Sewage Disposal Field Setback from the Natural Boundary of the Sea

The location of the proposed sewage disposal field to the natural boundary of the sea is a minimum of 18.0m instead of 30.0m as regulated in the LUB. A Professional Engineer has provided an assessment in accordance with the *BC Sewerage System Regulation*, and has provided a rationale letter (Attachment 4). To summarize some main points:

- The *BC Sewerage System Regulation* requires a minimum 15.0m setback from the natural boundary of the sea for this type of sewerage treatment system, so the proposed 18.0m setback meets and exceeds this provincial regulatory requirement;
- If the variance is not granted and the sewage disposal field has to meet the 30.0m setback from the natural boundary of the sea, then the field will be forced to be located within 30m from a neighbour’s existing well, which is also not permitted by LUB regulation 3.3(7) and so a variance would need to be sought for that instead.
- Having the sewerage disposal field in its proposed location instead of trying to meet the 30.0m setback requirement would actually “improve the performance of the sewerage system and offer better protection to the marine environment” as well as “cause less disturbance to the First Nations archaeological remains on the site” because less excavation would be required.

The LUB regulates the setback of sewage disposal fields from the natural boundary of the sea in order to protect against pathogenic pollution and other negative environmental effects. Thus, given the Professional Engineer's assessment and rationale that the proposed location of the sewage disposal field for this development exceeds the *BC Sewerage System Regulation* requirements for a "Type 1" (septic tank treatment) dispersal field and would leave more of the landscape and archaeological site intact and unaltered, staff are satisfied that a variance request to decrease the setback of the proposed sewage disposal field from 30.0m to 18.0m is supportable in this instance.

Groundwater Use

While it is likely that water use will increase on the subject property upon completion of the proposed development, staff do not consider the proposed variances to have an impact on water use as the proposed buildings are permitted in the LUB whether the variances are granted or not. As noted in the site context (Attachment 1), under the *Water Sustainability Act* (WSA), the use of groundwater for non-domestic (e.g. commercial) purposes requires a water license with the Province. The applicant has confirmed with staff that he has a registered groundwater license for commercial use as of August 2021.

Consultation

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Hornby Island Development Procedures Bylaw No. 74, notification of this DVP application (Attachment 3) was distributed to neighbouring property owners and tenants within 100 metres. No correspondence had been received prior to distribution of the notification; any submissions received following the preparation of this staff report will form part of the public record and will be presented to the LTC for their consideration during their regular business meeting on February 18, 2022.

Rationale for Recommendation

Given that the proposed variances: would not contradict Hornby OCP policies and are supported by C3 zoning regulations in the LUB; would have a minimal impact on neighbouring properties and scenic views; and have been supported by both the K'omoks First Nation and the BC Archaeology Branch regarding archaeological deposits, as well as a Professional Engineer's assessment with respect to the *BC Sewerage System Regulation*, staff are recommending approval of these variance requests, as noted on page 1 of this report.

ALTERNATIVES

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

1. Request further information

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

That the Hornby Island Local Trust Committee request further information prior to making a decision on application HO-DVP-2022.1 [specify information required].

2. Partial approval

The LTC may just approve the height variance but deny a variance for the setback from the natural boundary of the sea. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee amend the draft permit associated with file HO-DVP-2022.1 by removing Section 2(b) and Schedule “D”; and

That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.1 (Hornby Island Resort), as amended.

3. Deny the application

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

That the Hornby Island Local Trust Committee deny application HO-DVP-2022.1 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation, staff will issue Development Variance Permit HO-DVP-2022.1 as drafted in Attachment 2. Staff may also need to amend previously-issued HO-SUP-2020.6 to comply with any development updates.

Submitted By:	Teresa Mahikwa Island Planner	February 1, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	February 1, 2022

ATTACHMENTS

1. Site Context
2. Draft Development Variance Permit
3. DVP Notice
4. Rationale Letter for Sewage Disposal Field Setback Variance Request, dated November 25, 2021 from Professional Engineer, Ron McMurtrie

LOCATION

Legal Description	LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609
PID	028-882-075
Civic Address	4305 Shingle Spit Rd.
Lot Size	0.76 ha (1.88 acres)

LAND USE

Current Land Use	Commercial – pub/restaurant, retail, visitor accommodation
Surrounding Land Use	Residential, vacation home rental, ferry terminal



Figure 1. Orthophoto of subject property (shown in yellow)

HISTORICAL ACTIVITY

File No.	Purpose
HO-DP-1985.15	
HO-DP-2011.1	Proposed pub, restaurant, office, meeting room, liquor store, 15 visitor accommodation units.
HO-DP-2018.2	Demolition of existing building.
HO-DP-2019.5	Permit issued for the construction of new pub/restaurant, retail space, accessory dwelling unit, and 15 visitor accommodation units.
HO-DP-2022.1 (open)	DP amendment – to amend HO-DP-2019.5 to revise the phasing of the site; and to revise the layout of the pub, caretaker's unit (accessory residential dwelling unit), and office/retail space.

HO-DVP-1982.32	
HO-DVP-1989.15	Accessory building, tennis court.
HO-DVP-1989.32	
HO-DVP-1991.18	Proposed commercial building with second floor residential use, accessory building, laundromat with second floor visitor accommodation unit, parking, and extension of deck and patio into water lot 434.
HO-DVP-2012.2	Proposed height variance, encroachment into lot line setback.
HO-DVP-2019.1	Proposed height variance for visitor accommodation units. Variance was denied by the LTC.
HO-DVP-2022.1 (open)	To reduce the setback to the NB of the sea from 30 meters to 18 meters for a proposed sewage disposal field; and to increase the maximum allowable height of Buildings B & C from 6.0m to 7.0m in order to reduce excavation on the site, offering less disturbance of archaeological sites.
HO-RZ-1997.1	
HO-RZ-2006.2	[withdrawn]
HO-RZ-2009.2	Proposed amendments to OCP (BL 140) and LUB (BL 141).
HO-SUP-1985.11	
HO-SUP-2000.3	Proposed building.
HO-SUP-2011.11	Proposed commercial building, triplex, duplexes, pump house and cistern.
HO-SUP-2020.6	Permit issued for the siting and use of new construction of a 210m² commercial building (pub/restaurant) with attached 92m² accessory dwelling unit and 44m² office/retail space; plus four accessory buildings with fifteen 93m² visitor accommodation units. (This SUP may need to be amended if HO-DVP-2022.1 and/or HO-DP-2022.1 are approved).
UN-DVP-1992.10	

POLICY/REGULATORY

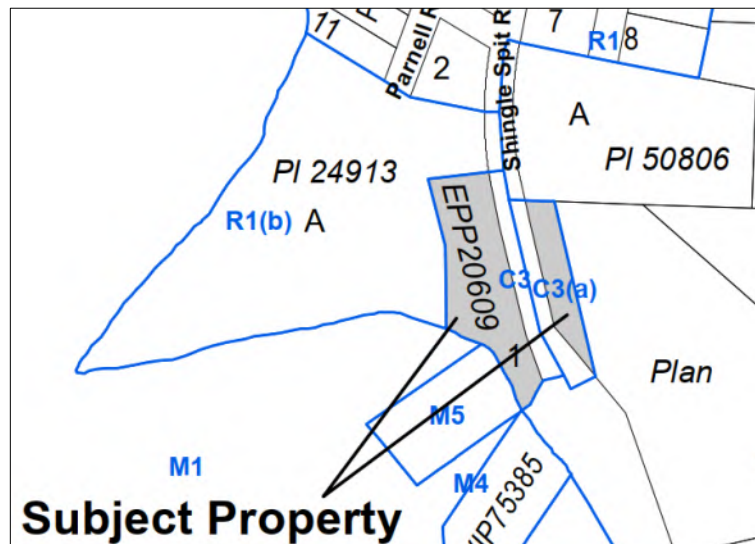
Hornby Island Official Community Plan No. 149, 2014	Land Use Designation: CS/VA – Retail & Personal Service/Visitor Accommodation Relevant OCP Policies: 6.5.1 Retail and Personal Service 6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Fords Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property). 6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit. 6.5.1.6 The principal land use should be small-scale commercial business. 6.5.1.7 Residential use may be permitted as a use secondary to a commercial use. 6.5.1.8 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial.
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	6.5.1.12 <i>To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.</i> 6.5.2 Visitor Accommodations and Tourism 6.5.2.1 <i>Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.</i> 6.5.2.2 <i>“Destination resort” type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.</i> 6.5.2.5 <i>Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:</i> <i>a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and</i> <i>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.</i> 6.7.1 Foreshore 6.7.1.1 <i>Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.</i> 6.7.1.4 <i>Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.</i> 6.8 Climate Change Adaptation and Mitigation 6.8.5 <i>This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.</i> Development Permit Area: Commercial DPA (Commercial Centres – Retail and Visitor Accommodation) 6.9.1 Development Permits to Define the Form and Character of Commercial Development <u>Objective:</u> To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island’s rural atmosphere. DPA guidelines addressed as separate Attachment to HO-DP-2022.1 staff report.
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Hornby Island
Land Use Bylaw
No. 150, 2014

Zone: split-zoned

Commercial 3 – Comprehensive Commercial (C3); and site-specific zone **C3(a)** (for the parking across the street)



Permitted uses in the C3 zone include:

- retail, pub, restaurant, office

Accessory uses include:

- accessory uses including visitor accommodation units;
- residential use of visitor accommodation units provided the visitor accommodation unit constitutes only one dwelling unit; and
- residential use.

Permitted uses in the C3(a) zone include: parking. No buildings or structures permitted.

Relevant LUB regulations:

3.3 (7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.

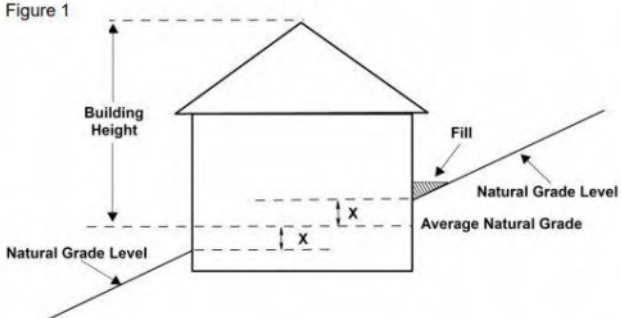
3.4 (2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres.

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

**8.11 Commercial 3 – Comprehensive Commercial (C3) Zone
(Hornby Island Resort – Thatch)**

Permitted Buildings, Structures and Density

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

	(a) a maximum of 15 visitor accommodation units; (b) a maximum of one accessory residential dwelling unit attached to a building used for a pub or restaurant. Siting and Size (5) <i>Despite 3.3(2) the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.</i> (6) <i>The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m².</i> (7) <i>The minimum seating capacity of a pub shall be fifty (50) indoor seats.</i> (8) <i>The maximum floor area of all buildings including the area of any accessory dwelling unit and excluding the floor area of visitor accommodation units shall not exceed 465 m².</i> The LUB provides the following definitions: height of building or structure means the vertical distance to the highest point of the upper roof and in the case of a structure without a roof, to the highest point of the structure, all measured from average natural grade level. Figure 1  visitor accommodation unit means commercial accommodation on a lot zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere.
Other Regulations	<u>Siting and Use Permit</u> The applicant has a previously-issued Siting and Use Permit (HO-SUP-2020.6) for the siting and use of: • New construction of a 210m² commercial building (pub/restaurant) with attached 92m² accessory dwelling unit and 44m² office/retail space; and • Four accessory buildings with fifteen 93m² visitor accommodation units. If HO-DVP-2022.1 and/or HO-DP-2022.1 is issued, then HO-SUP-2020.6 may need to be amended to comply with any updates. <u>Island Health (VIHA)</u> The applicant has provided a copy of a professional engineer's assessment confirming that the proposed wastewater system and effluent dispersal areas are designed in accordance

	with the provincial <i>Sewerage System Regulation</i> and that the proposed location 18.0m instead of 30.0m from the natural boundary of the sea would be appropriate for this proposed sewage disposal field. Island Health (VIHA) will require the sewage disposal system design be filed. Water supply and quality requirements will need to adhere to VIHA requirements as well. <u>Groundwater License</u> Under the <i>Water Sustainability Act</i> (WSA), a groundwater license for non-domestic (commercial) use is required. The applicant has confirmed with staff that he has a registered groundwater license for commercial use as of August 2021. <u>Road Access</u> All site servicing continues to be required to meet the provincial requirements of the Ministry of Transportation and Infrastructure road standards. <u>Foreshore Lease</u> There is an active Crown lease for Commercial use in good standing within the adjacent marine area for Water Lot 434, which includes the existing wharf. The lease grants permission for “<i>the purposes of commercial wharf, pub, sundeck and moorage facilities.</i>”
Covenants	Covenant EG107386 (Hornby Island LTC) Covenant CA2090178 (Hornby Island LTC) Right of Way CA2090179 (Hornby Island LTC) Easement CA2678131 Right of Way 201939G (BC Hydro)
Bylaw Enforcement	HO-BE-2019.8 (open) – DP amendment may need to be issued (<i>see HO-DP-2022.1</i>)

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 LOW priority for habitat conservation. 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	Islands Trust mapping indicates there are no known occurrences of Species at Risk (SAR) within this area; however, SAR data identifies this area as critical habitat for Northern Myotis and Little Brown Myotis. The SAR public registry notes that threats to maternity colonies may occur during the destruction of existing (older) buildings. 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 C3(a)-zoned area (parking lot). A heron colony is identified within 125 m of the subject property.

Sensitive Ecosystems	ITC Sensitive Ecosystem Mapping indicates a small area of the subject property, as well as the adjacent foreshore is within a Coastal Sand ecosystem.  According to the South Coast Conservation Program (SCCP), coastal sand ecosystems contribute to biodiversity, provide recreational opportunities, and buffer inland areas from flooding and storm damage. Coastal sand ecosystems thrive on natural disturbances; however, human impacts and development are damaging to these natural processes. The SCCP recommends reducing human impacts to allow these natural areas to prosper. The proposed sewage disposal field appears to be outside of this area.
Hazard Areas	The Hornby Island OCP does not designate the C3-zoned area as a steep slope or hazardous development permit area. Though contour mapping indicates steep slopes on a portion of the C3(a)-zoned area of the lot.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates the presence of a known archaeological site. Under the <i>Heritage Conservation Act</i> (HCA), all archaeological sites in British Columbia are protected, whether on public or private land, and whether the presence of a site is documented or unknown. An alteration permit issued under Section 12 of the HCA is required for any land alteration where a known archaeological site is located. The applicant is applying for HO-DVP-2022.1 in order to minimize impacts to the known archaeological site. The BC Archaeology Branch has written a letter of support of this application. And K'omoks First Nation also has a signed agreement with the applicant regarding conditions of their support for the variance request (see staff report for more details).

Climate Change Adaptation and Mitigation	The Provincial “Flood Hazard Area Land Use Management Guidelines” recommend that habitable buildings be setback at least the greater of 15 metres from the future estimated Natural Boundary of the Sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100 Flood Construction Level (FCL). The Year 2100 FCL should be established for specific coastal areas by a qualified Professional Engineer with experience in coastal engineering. The Comox Valley Regional District (CVRD) is currently acquiring coastal flood hazard mapping as part of its Coastal Flood Mapping Project, which will include Hornby Island. In consideration of the proposed development’s close proximity to the natural boundary of the sea, there may be potential for future impacts by sea level rise or other climate change induced hazards. Staff are unable to comment on any potential greenhouse gas emissions resulting from approval of the DVP or DP amendment.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble Islands Trust mapping identifies the adjacent shoreline as “altered”.
Shoreline Data in TAPIS	Islands Trust mapping indicates the presence of forage fish and eelgrass within 100 m of the lot in the adjacent marine area. Forage fish, such as Pacific sand lance and surf smelt, are considered to be the “cornerstone of marine food webs”, as they provide important forage for larger fish and marine mammals. Eelgrass plants provide important shelter for juvenile Pacific salmon and herring; and contribute to shoreline stabilization to prevent beach erosion. Adjacent marine area is identified as a federal Rockfish Conservation Area.



DRAFT

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2022.1**

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

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

PID: 028-882-075

LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609

2. Pursuant to Section 498 of the *Local Government Act*, the Hornby Island Land Use Bylaw 150, 2014 is varied as follows:

- a) PART 3 GENERAL REGULATIONS, Section 3.4 Height Regulations, Subsection (3), which states that "Accessory buildings and structures must not exceed a height of 6.0 metres", is varied to increase the maximum allowable height of two accessory buildings (called "Building B" and "Building C" in Schedules 'A', 'B', and 'C') from 6.0 metres to **7.0 metres**.
- b) PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection (7), which states that "Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea", is varied to decrease the required setback for a proposed sewage disposal field (as shown in Schedule 'D') from the natural boundary of the sea from 30.0 metres to **18.0 meters**.

The development shall be consistent with Schedules 'A', 'B', 'C', and 'D' which are attached to and form part of this permit.

This Permit replaces all previously-issued Development Variance Permits for this property, namely: HO-DVP-1989.15; HO-DVP-1989.32; HO-DVP-1991.18; and HO-DVP-2012.2.

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

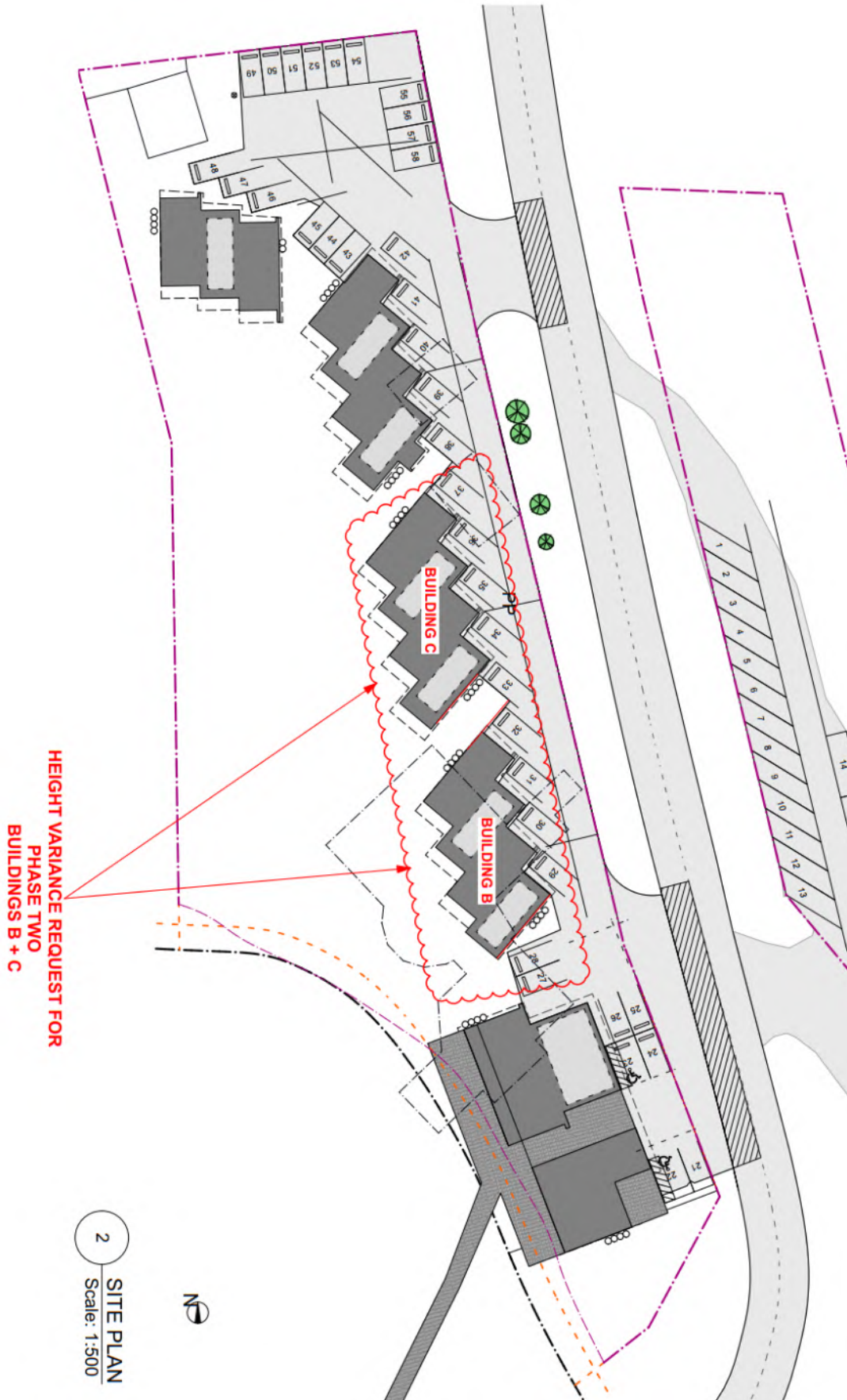
AUTHORIZING RESOLUTION PASSED BY THE HORNBY LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

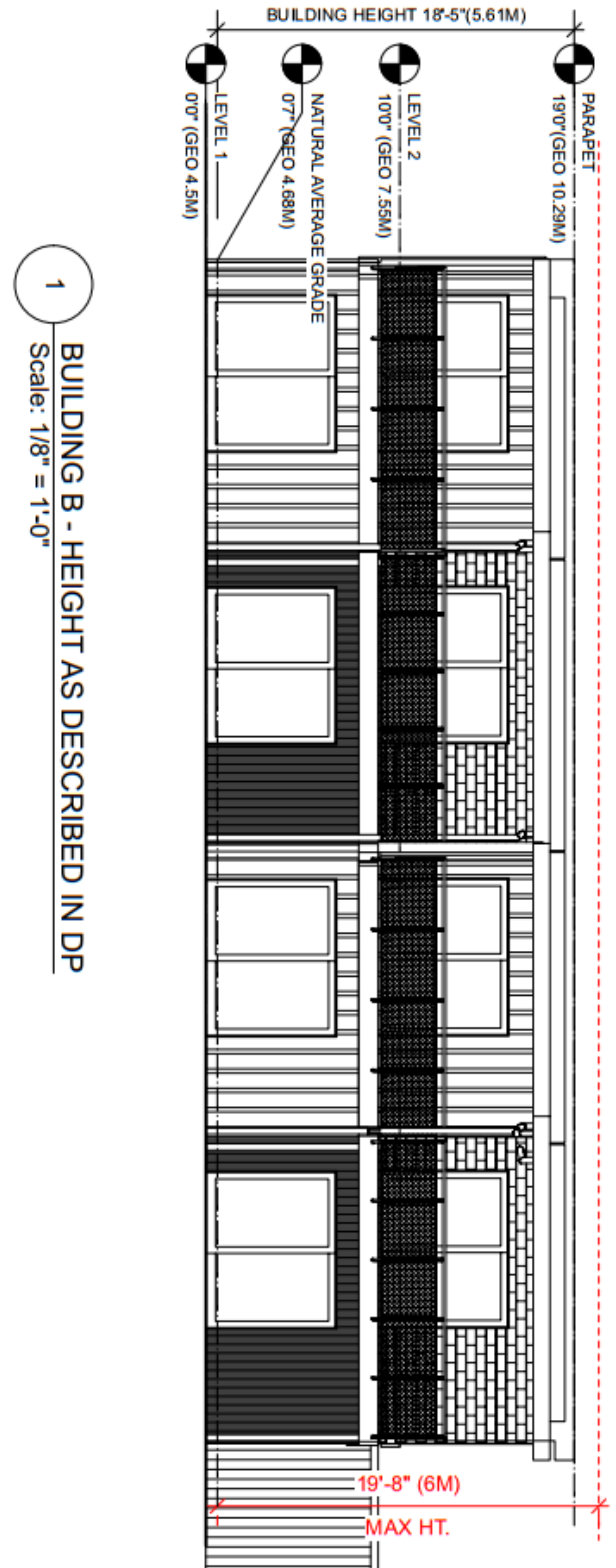
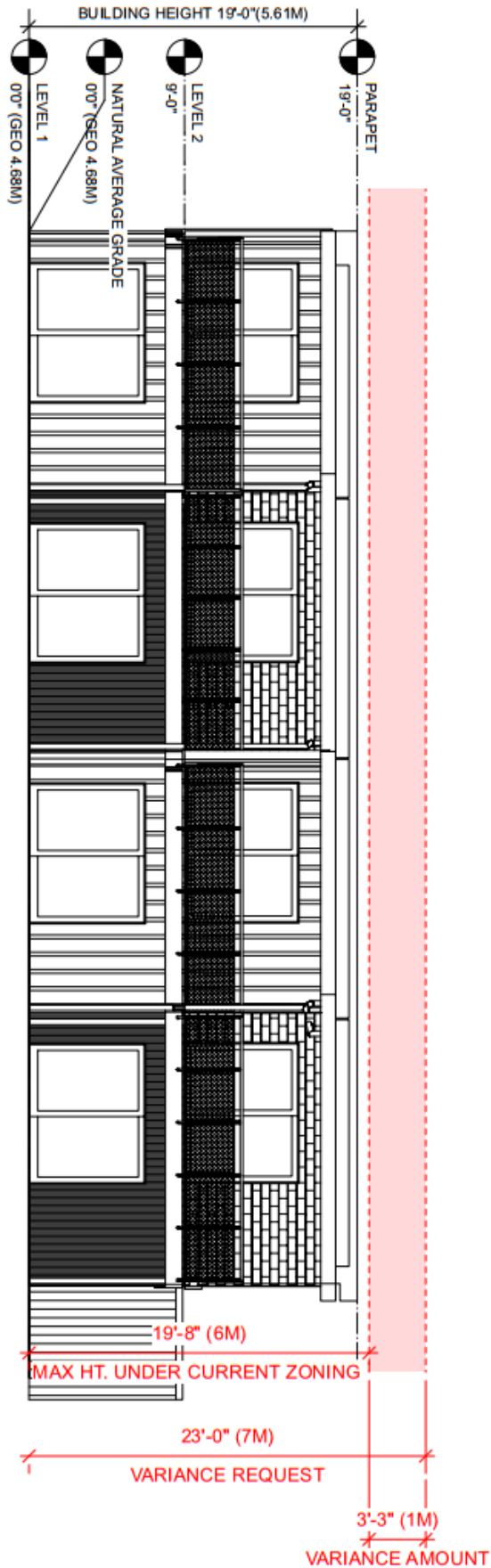
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A' - SITE PLAN (LOCATION OF BUILDINGS B & C)



HORNBY - DVP-2022.1

SCHEDULE 'B'- VARIED MAXIMUM HEIGHT OF BUILDING B



2

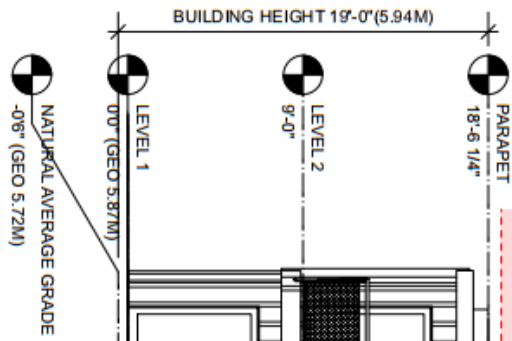
BUILDING B - HEIGHT VARIANCE REQUEST
Scale: 1/8" = 1'-0"

BUILDING B - HEIGHT AS DESCRIBED IN DP
Scale: 1/8" = 1'-0"

HORNBY ISLAND LOCAL TRUST COMMITTEE

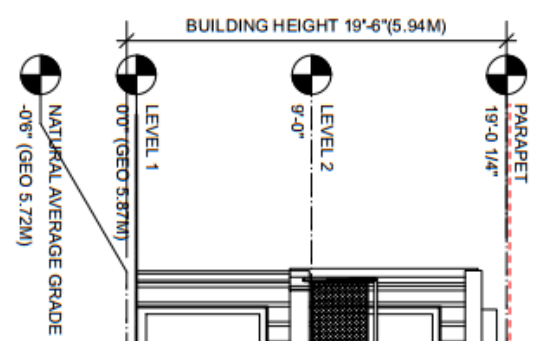
HORNBY - DVP-2022.1

SCHEDULE 'C' - VARIED MAXIMUM HEIGHT OF BUILDING C



2

BUILDING C - HEIGHT VARIANCE REQUEST
Scale: 1/8" = 1'-0"



1

BUILDING C - HEIGHT AS DESCRIBED IN DP
Scale: 1/8" = 1'-0"

HORNBY - DVP-2022.1



NOTICE
HO-DVP-2022.1 (HORNBY ISLAND RESORT, Hornby Island)
HORNBY ISLAND LOCAL TRUST COMMITTEE

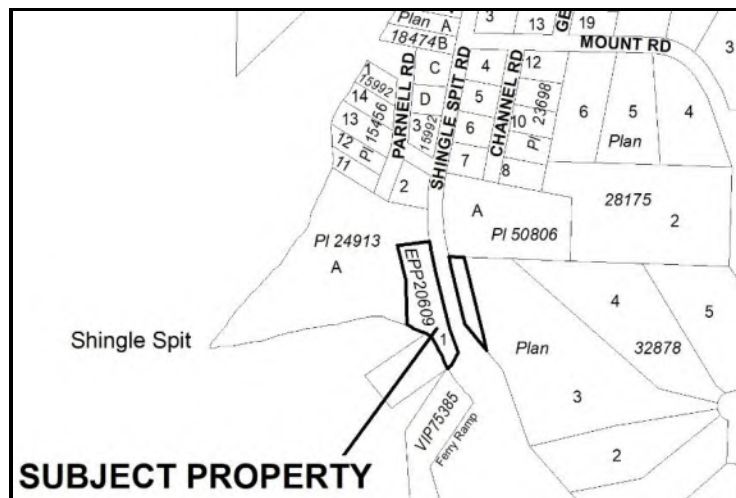
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Hornby Land Use Bylaw No. 150, 2014 by:

- Increasing the maximum allowable height of two accessory buildings (visitor accommodation units) from 6.0 metres to 7.00 metres; and
- Decreasing the required setback from the natural boundary of the sea for a proposed sewage disposal field from 30.0 metres to 18.0 metres.

The property is located at 4305 Shingle Spit Road, Hornby Island, BC and is legally described as:

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Tuesday to Thursday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/hornby/current-applications/> commencing **February 4, 2022** and continuing up to and including **February 17, 2022**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, an additional copy of the Proposed Permit may be inspected at the Notice Board on Hornby Island.

Enquiries or comments should be directed to Teresa Mahikwa, Island Planner at (250) 247-2200, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **February 17, 2022**.

The Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:30 am, Friday, February 18, 2022**. Live Stream: <https://collaboratevideo.net/islandstrust/E>

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.

November 20, 2021

**Development Variance Permit Application: Thatch Pub Development, 4305 Shingle Spit Road, Hornby Island
Remainder of Lot B, Section 4-1, Nanaimo District, Hornby Island, Plan 24915, Except Part in Plan 2638RW**

Present Zoning: C3 Comprehensive Commercial
Hornby Island Land Use Bylaw No. 150, 2014, Section 3.3(7) Siting and Setback Regulations

Proposed Variance: Reduced setback for sewerage system dispersal area to marine water body from 30 meters (LUB 150, 2014, Section 3.3 (7)) to 18 meters.

Reasons for Proposed Variance:

1. The BC Sewerage System Regulation, SPM-V3, Table II-19 Minimum horizontal separation for dispersal areas to a Marine Water Body is 15 meters. The proposed variance meets this provincial regulatory requirement.
2. An existing neighbouring well on Lot A, Plan 24913 to the west is less than 30m from the present proposed dispersal area and will require de-commissioning and sealing to provincial standards if the 30m marine setback is required. Reducing the marine setback will eliminate the need to decommission this well. Note that decommissioning the well will require the approval and permission of the neighbouring property owners.
3. Shifting the dispersal area closer to the ocean will improve the performance of the sewerage system and offer better protection to the marine environment:
 - Soils in the northern part of the present (30m setback) field location are compromised: compacted, low inconsistent permeability and disturbed due to old septic field and other related construction activities and have a shallower depth to groundwater and are more prone to groundwater mounding under system operation.
 - Soils to the south (in the area of the proposed dispersal area -18m setback) are: of better condition, less disturbed, of better and more consistent permeability, have a greater depth to groundwater and a reduced mounding potential and hence offer improved conditions for soil-based treatment and removal of pathogens. Note that it is the vertical separation (depth of un-saturated soil) that is the most important factor in treating the wastewater and removing

pathogens: horizontal separation inherently offers little further protection – the effluent flow path from the dispersal area to the marine water takes place in the saturated zone where removal rates for key pollutants are very low.

4. Construction of the proposed dispersal area (18m setback) will cause less disturbance to the First Nations archaeological remains on the site. Proposed excavation depth in the southern area is 0.7m. Proposed excavation depth in the northern area (30m setback) is 1.4m.
5. The cost of construction and energy/carbon footprint (reduced excavation and trucking of import sand from Vancouver Island) and archaeology/First Nations costs will be reduced with the 18m setback.

Affects of Proposed Variance and Mitigation of Affects

1. The property and surrounding lands will not be adversely affected by the proposed variance. The neighbouring well can be retained.
2. The proposed (18m horizontal separation) design mitigates environmental concerns with the marine water as the follows:
 - A 30cm thick filter sand bed combined with timed micro-dosing of the effluent will provide Type 3 treatment levels at the native soil interface.
 - Increased vertical soil separation will improve treatment in the unsaturated zone and reduce the potential for migration of pathogens. Estimated fecal coliform levels in the effluent will approach non-detectable (<1 cfu/100ml) prior to dilution with groundwater. BC water quality standards for fecal coliform are: recreational (swimming) 200 cfu/100ml and shellfish harvesting 14 cfu/100ml.

It is noted that the proposed design far exceeds regulatory requirements: a Type 1 (septic tank treatment) dispersal field may be located at a 15m marine setback in accordance with the SPM – V3

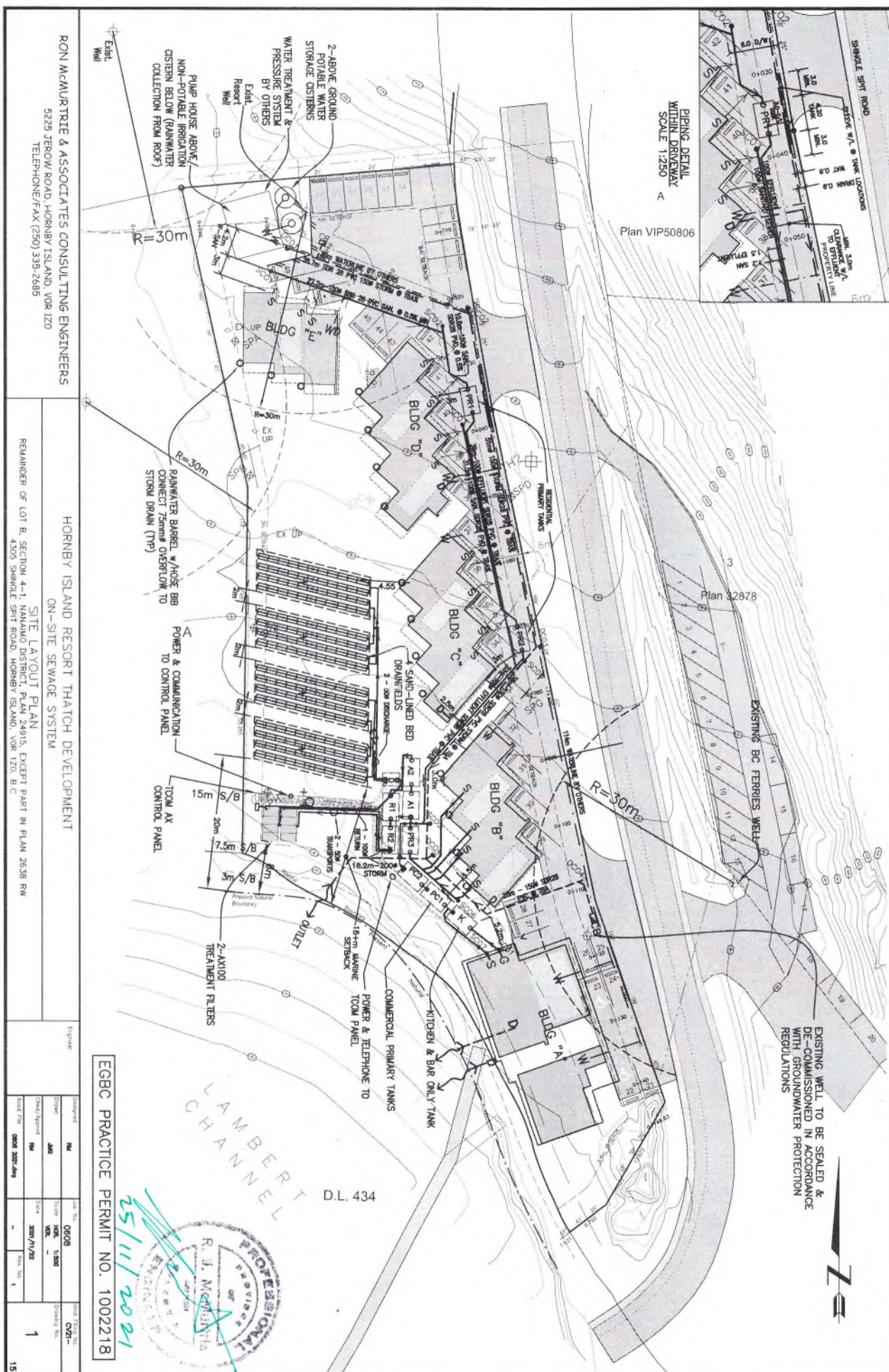
Note: The above has been prepared by Ron McMurtrie, P.Eng. following investigation, testing and site and soil evaluation in accordance with the BC Sewerage System Regulations.



Signature

25/11/2021
Date





File No.: HO-DP-2022.1
(x-ref. No. HO-DP-2019.5)

DATE OF MEETING: February 18, 2022

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: Development Permit Application HO-DP-2022.1 to Amend
Development Permit HO-DP-2019.5
Applicant: Hornby Island Resort Ltd. (Jack Hornstein)
Location: 4305 Shingle Spit Rd.; PID 028-882-075; LOT 1 SECTION 4 A TOWNSHIP
HORNBY NANAIMO DISTRICT PLAN EPP20609

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2022.1 subject to the conditions imposed therein.**

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider approving the issuance of Development Permit application HO-DP-2022.1, which would amend existing Development Permit HO-DP-2019.5, which was brought to the LTC for consideration at the November 6, 2020 regular business meeting and ultimately issued on November 12, 2020 (Attachment 4). Staff is recommending issuance of HO-DP-2022.1 (Attachment 3), as it continues to be consistent with the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area (DPA) guidelines.

BACKGROUND

At its regular business meeting on November 6, 2020, the LTC passed the following resolution:

HO-2020-079

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee approve issuance of HO-DP-2019.5 (Hornby Island Resort).

CARRIED

Staff then issued the finalized DP to the applicant on November 12, 2020 (Attachment 4). Following issuance of the DP and due to archaeological circumstances during development, the applicant has identified the need for two potential DP amendments:

1. The phasing of construction; and
2. A revision to the pub layout and site plan drawings.

Applicant's Rationale

The applicant included the following rationale with their application:

1. Construction Phasing: "Due to Unforeseen archaeological circumstances the applicant is seeking a revision to the sequence of construction phasing of the site. It is requested that Development Permit HO-DP-2019.5 be amended to include and or adjust the following sentence and adjust the phasing sequence:
From: 2.7 Sequence of Construction "i. The sequence of construction should be that building only used for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception of one building to be used for commercial purposes that includes one dwelling unit may be constructed, in any sequence of construction."
To: 2.7 Sequence of Construction "i. The sequence of construction should be that the building only used for commercial purposes (the pub) should be constructed and completed in the first phase of any construction on the site."
2. Pub Layout and Site Plan Drawings: "Due to Unforeseen archaeological circumstances, the applicant is seeking a revision to the Pub/Restaurant, Reception/Office, and Caretakers Suite (accessory dwelling unit). It has been requested and supported [by the BC Archaeology Branch and K'omoks First Nation] that less excavation occur on the south end of the site. To achieve this, we have mirrored much of the previous approved plan. No parking has been affected in this plan revision. All setbacks have also been increased with this change."

Detailed explanation of proposed amendments

Attachment 3 of this report contains the draft amendments as permit HO-DP-2022.1. For clarity, staff provide the following comments of the proposed changes to the Permit:

- a. Revised plans have been included as Schedules: A (Site Plan), B1 and B2 (Building Plans for Building A), and E1 and E2 (Floor Plans for Building A); Schedules C1, C2, and D remain the same.
- b. The wording of condition 2.7 (Sequence of Construction) has been amended for clarity, to note that Building A (the pub/restaurant with attached reception/office/accessory dwelling unit for the caretaker suite) must be constructed in the first phase of any construction. This is to ensure that the principal use of commercial use is established during the first phase of construction.

No further changes are being proposed, so all the same terms and conditions will carry over from HO-DP-2019.5 to the new amended permit as HO-DP-2022.1.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis, including relevant policies and regulations is provided in Attachment 1. Further, the DPA guidelines that pertain to this DP application and staff's comments are detailed in Attachment 2, and staff have determined that the proposed DP amendments continue to be consistent with the guidelines.

Issues and Opportunities

Archaeological Sites & First Nations Engagement

As noted in the applicant's rationale on page 2 of this report, the site context in Attachment 1, and as discussed further below, a known archaeological site exists at this location. Under the *Heritage Conservation Act* (HCA), all archaeological sites in British Columbia are protected, whether on public or private land, whether the presence of a site is documented or unknown.

With respect to partner application HO-DVP-2022.1, staff received a written letter of support from the BC Archaeology Branch for the variance request in application, as the "proposed variance would serve to support the conservation and protection of irreplaceable heritage – which is of great cultural importance to the K'omoks Nation community, other First Nations and the Province – by leaving more of the landscape intact and unaltered, and further our shared desire for reconciliation...and it is our collective hope that Islands Trust take this into consideration when determining the merits of the requested variance."

Furthermore, the applicant has a signed agreement with K'omoks First Nation (KFN) regarding their support of partner application HO-DVP-2022.1 in order to minimize impacts to archaeological deposits, including potential ancestral remains.

It is staff's understanding that the applicant is proposing the DP amendments (project construction phasing, and building plans and floor plans for Building A) following discussions with KFN and the BC Archaeology Branch in order to reduce and minimize archaeological impacts during construction and development. Thus, staff believe that the proposed DP amendments would be supportable.

Consultation

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

Rationale for Recommendation

Staff finds the application and proposed amendment information submitted to meet the Hornby DPA Guidelines for Commercial Centres and permitted land uses, and therefore recommends approval of issuance of amendment permit HO-DP-2022.1 (as noted on page 1 of this report).

ALTERNATIVES

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

1. Request further information

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

That the Hornby Island Local Trust Committee request that the following information be provided prior to making a decision on application HO-DP-2022.1 [specify information required].

2. Deny the application

A Development Permit may be denied only if the LTC determines that the proposed development is inconsistent with one or more of the DPA guidelines. If this alternative is selected, the LTC must state the

reasons that the LTC finds that the application does not meet the DPA guidelines. Recommended wording for the resolution is as follows:

*That the Hornby Island Local Trust Committee deny application HO-DP-2022.1 for the following reasons:
[specify reasons].*

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will issue Development Permit HO-DP-2022.1 as drafted in Attachment 3. Staff may also need to amend previously-issued HO-SUP-2020.6 to comply with any development updates.

Submitted By:	Teresa Mahikwa Island Planner	February 1, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	February 1, 2022

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Development Permit HO-DP-2022.1
4. Existing Development Permit HO-DP-2019.5

LOCATION

Legal Description	LOT 1 SECTION 4 A TOWNSHIP HORNBY NANAIMO DISTRICT PLAN EPP20609
PID	028-882-075
Civic Address	4305 Shingle Spit Rd.
Lot Size	0.76 ha (1.88 acres)

LAND USE

Current Land Use	Commercial – pub/restaurant, retail, visitor accommodation
Surrounding Land Use	Residential, vacation home rental, ferry terminal



Figure 1. Orthophoto of subject property (shown in yellow)

HISTORICAL ACTIVITY

File No.	Purpose
HO-DP-1985.15	
HO-DP-2011.1	Proposed pub, restaurant, office, meeting room, liquor store, 15 visitor accommodation units.
HO-DP-2018.2	Demolition of existing building.
HO-DP-2019.5	Permit issued for the construction of new pub/restaurant, retail space, accessory dwelling unit, and 15 visitor accommodation units.
HO-DP-2022.1 (open)	DP amendment – to amend HO-DP-2019.5 to revise the phasing of the site; and to revise the layout of the pub, caretaker's unit (accessory residential dwelling unit), and office/retail space.

HO-DVP-1982.32	
HO-DVP-1989.15	Accessory building, tennis court.
HO-DVP-1989.32	
HO-DVP-1991.18	Proposed commercial building with second floor residential use, accessory building, laundromat with second floor visitor accommodation unit, parking, and extension of deck and patio into water lot 434.
HO-DVP-2012.2	Proposed height variance, encroachment into lot line setback.
HO-DVP-2019.1	Proposed height variance for visitor accommodation units. Variance was denied by the LTC.
HO-DVP-2022.1 (open)	To reduce the setback to the NB of the sea from 30 meters to 18 meters for a proposed sewage disposal field; and to increase the maximum allowable height of Buildings B & C from 6.0m to 7.0m in order to reduce excavation on the site, offering less disturbance of archaeological sites.
HO-RZ-1997.1	
HO-RZ-2006.2	[withdrawn]
HO-RZ-2009.2	Proposed amendments to OCP (BL 140) and LUB (BL 141).
HO-SUP-1985.11	
HO-SUP-2000.3	Proposed building.
HO-SUP-2011.11	Proposed commercial building, triplex, duplexes, pump house and cistern.
HO-SUP-2020.6	Permit issued for the siting and use of new construction of a 210m² commercial building (pub/restaurant) with attached 92m² accessory dwelling unit and 44m² office/retail space; plus four accessory buildings with fifteen 93m² visitor accommodation units. (This SUP may need to be amended if HO-DVP-2022.1 and/or HO-DP-2022.1 are approved).
UN-DVP-1992.10	

POLICY/REGULATORY

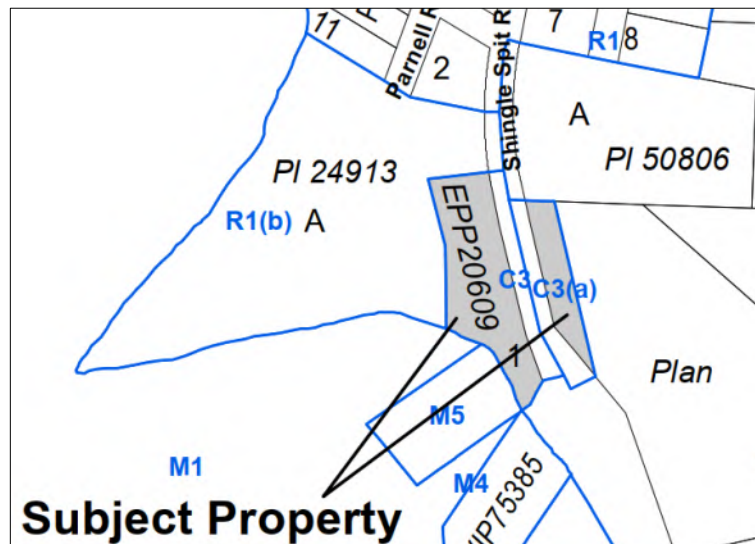
Hornby Island Official Community Plan No. 149, 2014	Land Use Designation: CS/VA – Retail & Personal Service/Visitor Accommodation Relevant OCP Policies: 6.5.1 Retail and Personal Service 6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Fords Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property). 6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit. 6.5.1.6 The principal land use should be small-scale commercial business. 6.5.1.7 Residential use may be permitted as a use secondary to a commercial use. 6.5.1.8 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial.
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	6.5.1.12 <i>To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.</i> 6.5.2 Visitor Accommodations and Tourism 6.5.2.1 <i>Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.</i> 6.5.2.2 <i>“Destination resort” type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.</i> 6.5.2.5 <i>Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:</i> <i>a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and</i> <i>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.</i> 6.7.1 Foreshore 6.7.1.1 <i>Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.</i> 6.7.1.4 <i>Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.</i> 6.8 Climate Change Adaptation and Mitigation 6.8.5 <i>This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.</i> Development Permit Area: Commercial DPA (Commercial Centres – Retail and Visitor Accommodation) 6.9.1 Development Permits to Define the Form and Character of Commercial Development <u>Objective:</u> To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island’s rural atmosphere. DPA guidelines included separately as Attachment 2.
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Hornby Island
Land Use Bylaw
No. 150, 2014

Zone: split-zoned

Commercial 3 – Comprehensive Commercial (C3); and site-specific zone **C3(a)** (for the parking across the street)



Permitted uses in the C3 zone include:

- retail, pub, restaurant, office

Accessory uses include:

- accessory uses including visitor accommodation units;
- residential use of visitor accommodation units provided the visitor accommodation unit constitutes only one dwelling unit; and
- residential use.

Permitted uses in the C3(a) zone include: parking. No buildings or structures permitted.

Relevant LUB regulations:

3.3 (7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.

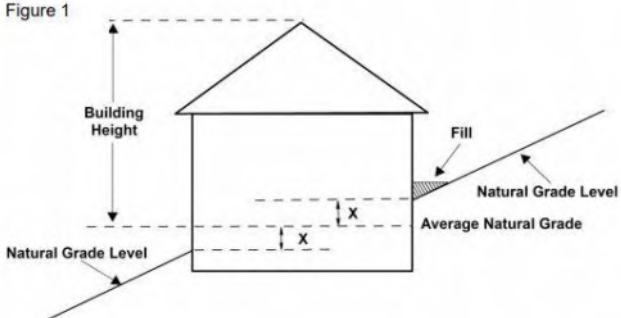
3.4 (2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres.

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

**8.11 Commercial 3 – Comprehensive Commercial (C3) Zone
(Hornby Island Resort – Thatch)**

Permitted Buildings, Structures and Density

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

	(a) a maximum of 15 visitor accommodation units; (b) a maximum of one accessory residential dwelling unit attached to a building used for a pub or restaurant. Siting and Size (5) <i>Despite 3.3(2) the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.</i> (6) <i>The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m².</i> (7) <i>The minimum seating capacity of a pub shall be fifty (50) indoor seats.</i> (8) <i>The maximum floor area of all buildings including the area of any accessory dwelling unit and excluding the floor area of visitor accommodation units shall not exceed 465 m².</i> The LUB provides the following definitions: height of building or structure means the vertical distance to the highest point of the upper roof and in the case of a structure without a roof, to the highest point of the structure, all measured from average natural grade level. Figure 1  visitor accommodation unit means commercial accommodation on a lot zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere.
Other Regulations	<u>Siting and Use Permit</u> The applicant has a previously-issued Siting and Use Permit (HO-SUP-2020.6) for the siting and use of: • New construction of a 210m² commercial building (pub/restaurant) with attached 92m² accessory dwelling unit and 44m² office/retail space; and • Four accessory buildings with fifteen 93m² visitor accommodation units. If HO-DVP-2022.1 and/or HO-DP-2022.1 is issued, then HO-SUP-2020.6 may need to be amended to comply with any updates. <u>VIHA</u> The applicant has provided a copy of a professional engineer's report confirming the proposed wastewater system and effluent dispersal areas are designed in accordance with

	the provincial <i>Sewerage System Regulation</i> and that the proposed location 18.0m instead of 30.0m from the natural boundary of the sea would be appropriate for this proposed sewage disposal field. Island Health (VIHA) will require the sewage disposal system design be filed. Water supply and quality requirements will need to adhere to VIHA requirements as well. <u>Groundwater License</u> Under the <i>Water Sustainability Act</i> (WSA), a groundwater license for non-domestic (commercial) use is required. The applicant has confirmed with staff that he has a registered groundwater license for commercial use as of August 2021. <u>Road Access</u> All site servicing continues to be required to meet the provincial requirements of the Ministry of Transportation and Infrastructure road standards. <u>Foreshore Lease</u> There is an active Crown lease for Commercial use in good standing within the adjacent marine area for Water Lot 434, which includes the existing wharf. The lease grants permission for <i>“the purposes of commercial wharf, pub, sundeck and moorage facilities.”</i>
Covenants	Covenant EG107386 (Hornby Island LTC) Covenant CA2090178 (Hornby Island LTC) Right of Way CA2090179 (Hornby Island LTC) Easement CA2678131 Right of Way 201939G (BC Hydro)
Bylaw Enforcement	HO-BE-2019.8 (open) – DP amendment may need to be issued

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 LOW priority for habitat conservation. 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	Islands Trust mapping indicates there are no known occurrences of Species at Risk (SAR) within this area; however, SAR data identifies this area as critical habitat for Northern Myotis and Little Brown Myotis. The SAR public registry notes that threats to maternity colonies may occur during the destruction of existing (older) buildings. 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 C3(a)-zoned area (parking lot). A heron colony is identified within 125 m of the subject property.

Sensitive Ecosystems	ITC Sensitive Ecosystem Mapping indicates a small area of the subject property, as well as the adjacent foreshore is within a Coastal Sand ecosystem.  According to the South Coast Conservation Program (SCCP), coastal sand ecosystems contribute to biodiversity, provide recreational opportunities, and buffer inland areas from flooding and storm damage. Coastal sand ecosystems thrive on natural disturbances; however, human impacts and development are damaging to these natural processes. The SCCP recommends reducing human impacts to allow these natural areas to prosper. The proposed sewage disposal field appears to be outside of this area.
Hazard Areas	The Hornby Island OCP does not designate the C3-zoned area as a steep slope or hazardous development permit area. Though contour mapping indicates steep slopes on a portion of the C3(a)-zoned area of the lot.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates the presence of a known archaeological site. Under the <i>Heritage Conservation Act</i> (HCA), all archaeological sites in British Columbia are protected, whether on public or private land, and whether the presence of a site is documented or unknown. An alteration permit issued under Section 12 of the HCA is required for any land alteration where a known archaeological site is located. The applicant is applying for HO-DVP-2022.1 in order to minimize impacts to the known archaeological site. The BC Archaeology Branch has written a letter of support of this application. And K'omoks First Nation also has a signed agreement with the applicant regarding conditions of their support for the variance request.

Climate Change Adaptation and Mitigation	The Provincial “Flood Hazard Area Land Use Management Guidelines” recommend that habitable buildings be setback at least the greater of 15 metres from the future estimated Natural Boundary of the Sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100 Flood Construction Level (FCL). The Year 2100 FCL should be established for specific coastal areas by a qualified Professional Engineer with experience in coastal engineering. The Comox Valley Regional District (CVRD) is currently acquiring coastal flood hazard mapping as part of its Coastal Flood Mapping Project, which will include Hornby Island. In consideration of the proposed development’s close proximity to the natural boundary of the sea, there may be potential for future impacts by sea level rise or other climate change induced hazards. Staff are unable to comment on any potential greenhouse gas emissions resulting from approval of the DVP or DP amendment.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble Islands Trust mapping identifies the adjacent shoreline as “altered”.
Shoreline Data in TAPIS	Islands Trust mapping indicates the presence of forage fish and eelgrass within 100 m of the lot in the adjacent marine area. Forage fish, such as Pacific sand lance and surf smelt, are considered to be the “cornerstone of marine food webs”, as they provide important forage for larger fish and marine mammals. Eelgrass plants provide important shelter for juvenile Pacific salmon and herring; and contribute to shoreline stabilization to prevent beach erosion. Adjacent marine area is identified as a federal Rockfish Conservation Area.

COMMERCIAL CENTRES (RETAIL AND VISITOR ACCOMMODATIONS) DEVELOPMENT PERMIT AREA (OCP SCHEDULE E)

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

Guideline	Complies	Planner Comments
(1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(2) The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(4) In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(5) Off-street automobile parking should be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.	Yes	NOT BEING AMENDED. The revised building plans appear to show three washroom facilities located in the pub/restaurant building for customers and one for staff in the back. Further, two more washroom facilities are shown in the reception/office area and another three in the caretaker's suite. Already included as a condition of the previous permit and carried over to drafted amended permit as well.

(7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.	Yes	NOT BEING AMENDED. The pub/restaurant and reception/office/caretaker spaces are within the same building, connected by a roof and an approx. 3.5m covered walkway. Visitor accommodation units are clustered as triplex and quadplex buildings.
(8) A landscape plan incorporating natural landscaping should be required.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(9) Neon or internally lit signs should not be permitted.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(10) All buildings should be finished in natural products such as wood or brick.	Yes	NOT BEING AMENDED. Already included as a condition of the previous permit and carried over to drafted amended permit as well.
(11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.	Yes	PROPOSED AMENDMENT Existing Permit has the following sequence: • Removal of the existing pub/restaurant, • Phase 1 – construction of the pub/restaurant, attached accessory dwelling unit and office; and construction of Building ‘C’; • Phase 2 – construction of Building ‘B’; • Phase 3 – construction of Building ‘D’ and ‘E’. Amendment proposes the following sequence: • Removal of the existing pub/restaurant, • Phase 1 – construction of the pub/restaurant, attached accessory dwelling unit and office; and construction of Buildings ‘D’ and ‘E’; • Phase 2 – construction of Buildings ‘B’ and ‘C’; • Phase 3 – no more Phase 3 A new sequence of construction has been included as a condition of the draft permit: Building A (the building used for commercial purposes, with attached accessory dwelling unit) must be constructed in the first phase of any construction.
(12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.	Yes	NOT BEING AMENDED. No stairs or steep grades proposed. Two accessible parking spaces are located adjacent to the front entrance of the pub/restaurant. Already included as a condition of the previous permit and carried over to drafted amended permit as well.



DRAFT
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1
(AMENDMENT TO HO-DP-2019.5)

TO: HORNBY ISLAND RESORT LTD.

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

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

2. Whereas the subject property lies within an area designated as Commercial Centres (Retail and Visitor Accommodations) Development Permit Area, the purpose of which is to establish objectives for the form and character of commercial development, on Schedule E of the Hornby Island Official Community Plan No. 149, 2014, this Development Permit authorizes **the demolition of the existing commercial building and existing cabins; and the new construction of a commercial pub/restaurant building with 1 attached accessory dwelling unit, and office/retail space, as well as four accessory buildings containing a total of fifteen visitor accommodation units**, with the following conditions:

2.1 General

i. Construction of the buildings are to be substantially in accordance with the following Site Plan, Building Plans, Landscaping Plan, and Floor Plans as prepared or submitted by MacDonald Hagarty Architects (unless otherwise noted), attached to and forming part of this Permit as Schedules “A” through “E2”:

Schedule “A” – Site Plan – Drawing A10 (November 22, 2021)

Schedule “B1” – Building Plans (Building A) – Drawing A203 (December 13, 2021)

Schedule “B2” – Building Plans (Building A) – Drawing A204 (December 13, 2021)

Schedule “C1” – Building Plans (Buildings B, C, D)

Schedule “C2” – Building Plans (Building E)

Schedule “D” – Landscaping Plan (prepared by Bloom Landscape Architecture, dated November 1, 2019)

Schedule “E1” – Floor Plans (Building A, Ground Floor) – Drawing A201 (January 26, 2022)

Schedule “E2” – Floor Plans (Building A, Upper Floor) – Drawing A202 (January 26, 2022)

2.2 Design Elements

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

2.3 Signage

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

2.4 Parking

i. Off-street vehicle parking, maneuvering aisles and driveways are to be substantially in accordance with Schedule "A" – Site Plan.

2.5 Lighting

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

2.6 Landscaping and Screening

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

2.7 Sequence of Construction

i. Building A (the building used for commercial purposes, with attached accessory dwelling unit) must be constructed in the first phase of any construction.

3. This Permit **replaces all previous Development Permits for this property, namely HO-DP-2019.5** and is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

Schedule "A" – Site Plan

Schedule "B1" – Building Plans (Building A) – Drawing A203

Schedule "B2" – Building Plans (Building A) – Drawing A204

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

Schedule "C2" – Building Plans (Building E)

Schedule "D" – Landscaping Plan

Schedule "E1" – Floor Plans (Building A, Ground Floor)

Schedule "E2" – Floor Plans (Building A, Upper Floor)

4. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
5. This Permit is not a Building Permit or a Siting and Use Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], [YEAR]

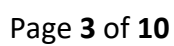
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)], THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A"

Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1 (Hornby Island Resort)

Schedule "B1"
Building Plans (Building A) – Drawing A203
(Pub/Restaurant with Attached Reception/Office/Accessory Dwelling Unit)



A203

ELEVATIONS

THATCH PUB
BUILDING A

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/10/2022
2	ISSUED FOR PERMIT	10/10/2022
3	ISSUED FOR PERMIT	10/10/2022



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1 (Hornby Island Resort)

Schedule "B2"
Building Plans (Building A) – Drawing A204



A204

ELEVATIONS

THATCH PUB
BUILDING A

1. 2023/09/01
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MHA
MacDonnell Haggerty Architects Ltd.
100-101 St. John's Street
Victoria, BC
V8T 1A1

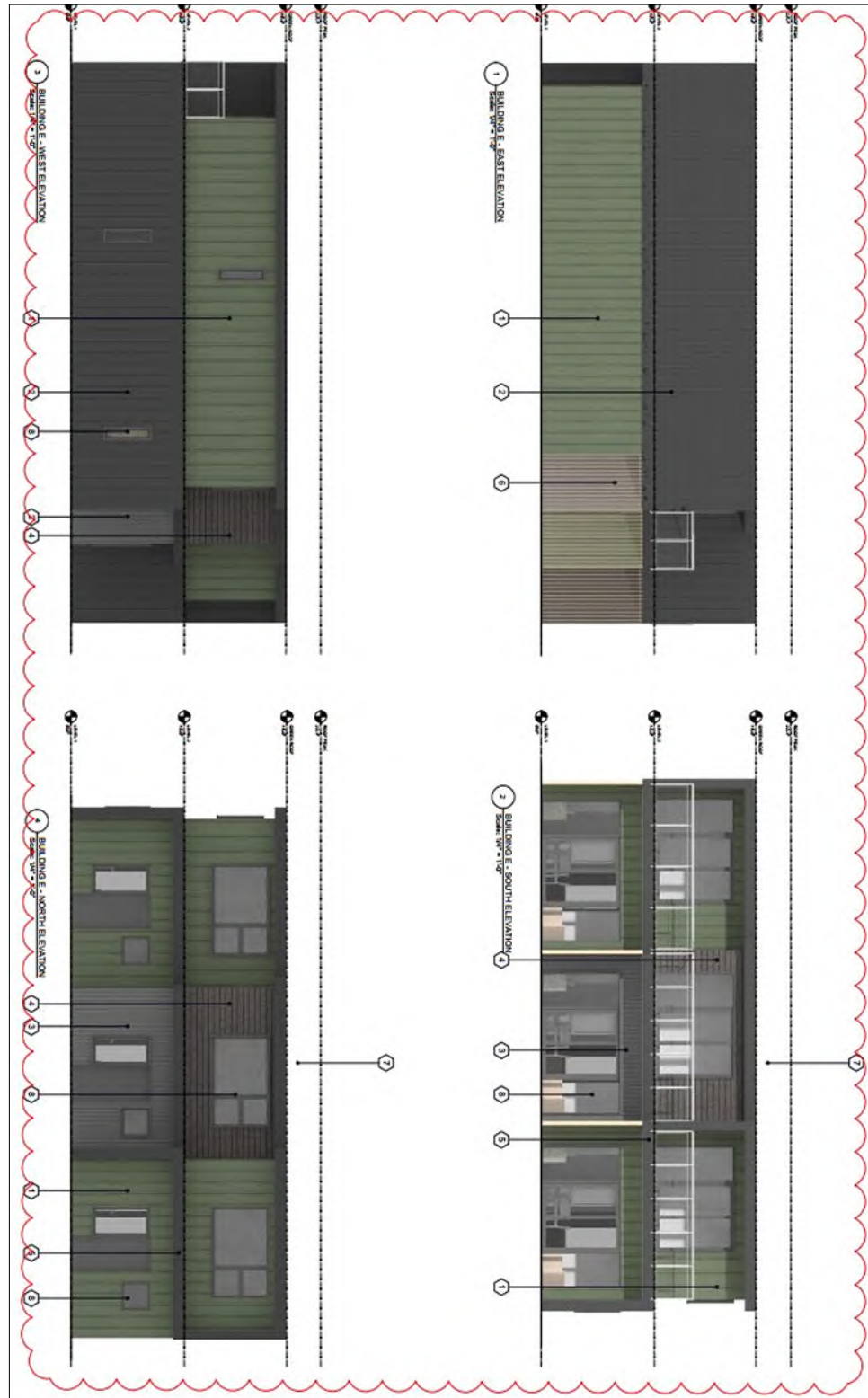
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1 (Hornby Island Resort Ltd.)

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



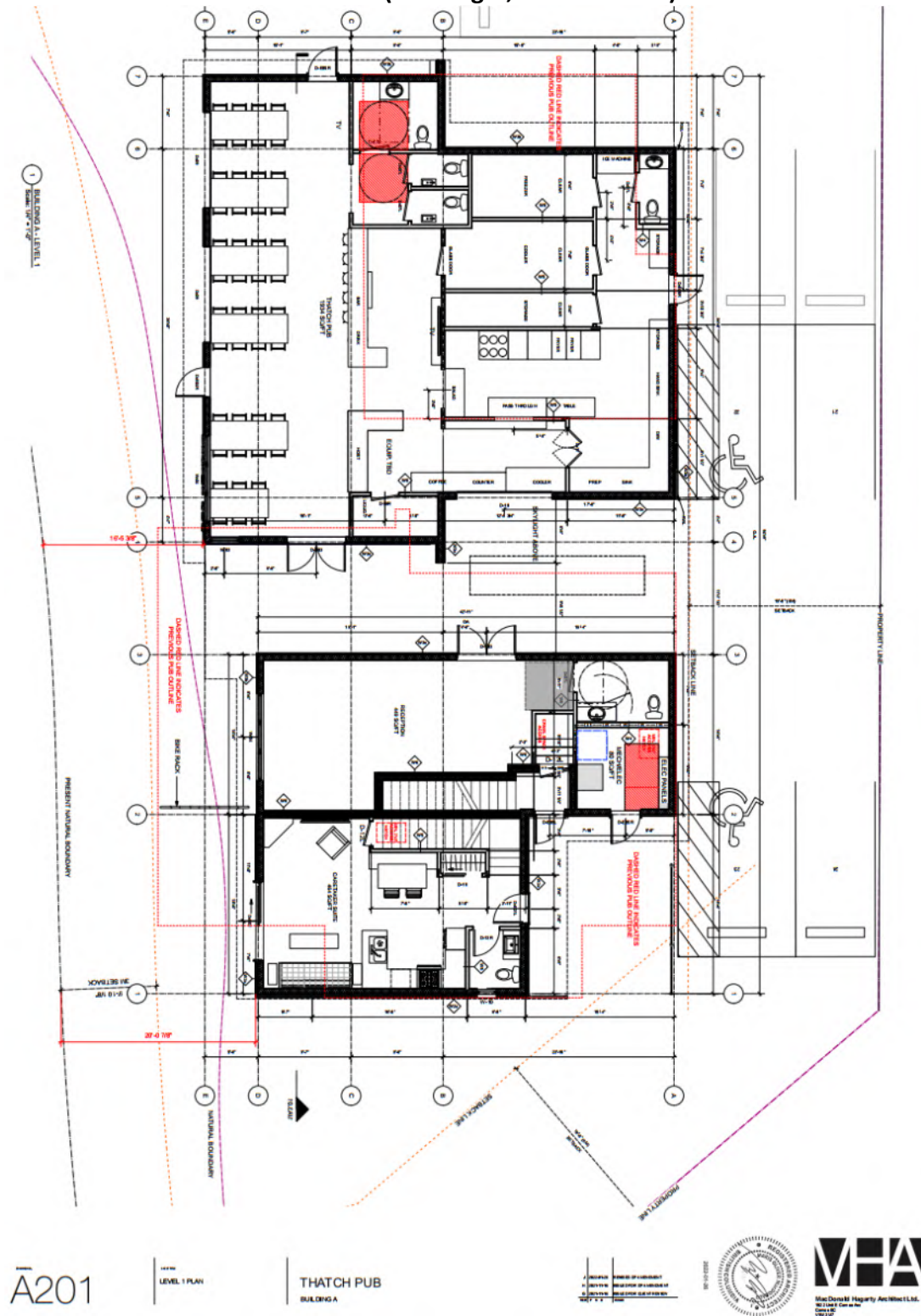
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1 (Hornby Island Resort Ltd.)

Schedule "C2"
Building Plans (Building E)



**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2022.1 (Hornby Island Resort)**

**Schedule "E1"
Floor Plans (Building A, Ground Floor)**





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

TO: HORNBY ISLAND RESORT LTD.

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

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

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

2.1 General

i. Construction of the buildings are to be substantially in accordance with the site plan prepared by MacDonald Hagarty Architects, revised on October 26, 2020, and the building plans prepared by MacDonald Hagarty Architects, revised on September 28, 2020, attached to and forming part of this Permit as Schedules A through D:

Schedule "A" – Site Plan

Schedule "B" – Building Plan (Pub/Restaurant)

Schedule "C1" – Building Plan (Buildings B, C, D)

Schedule "C2" – Building Plan (Building E)

Schedule "D" – Landscape Plan

2.2 Design Elements

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

2.3 Signage

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

2.4 Parking

i. Off-street vehicle parking, maneuvering aisles and driveways are to be substantially in accordance with Schedule "A" – Site Plan.

2.5 Lighting

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

2.6 Landscaping and Screening

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

2.7 Sequence of Construction

i. The sequence of construction should be that building only used for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception of one building to be used for commercial purposes that includes one dwelling unit may be constructed, in any sequence of construction.

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

Schedule "A" – Site Plan

Schedule "B" – Building Plan (Pub/Restaurant)

Schedule "C1" – Building Plan (Buildings B, C, D)

Schedule "C2" – Building Plan (Building E)

Schedule "D" – Landscape Plan"

4. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
5. This Permit is not a Building Permit or a Siting and Use Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS 6TH DAY OF NOVEMBER, 2020.



Deputy Secretary, Islands Trust

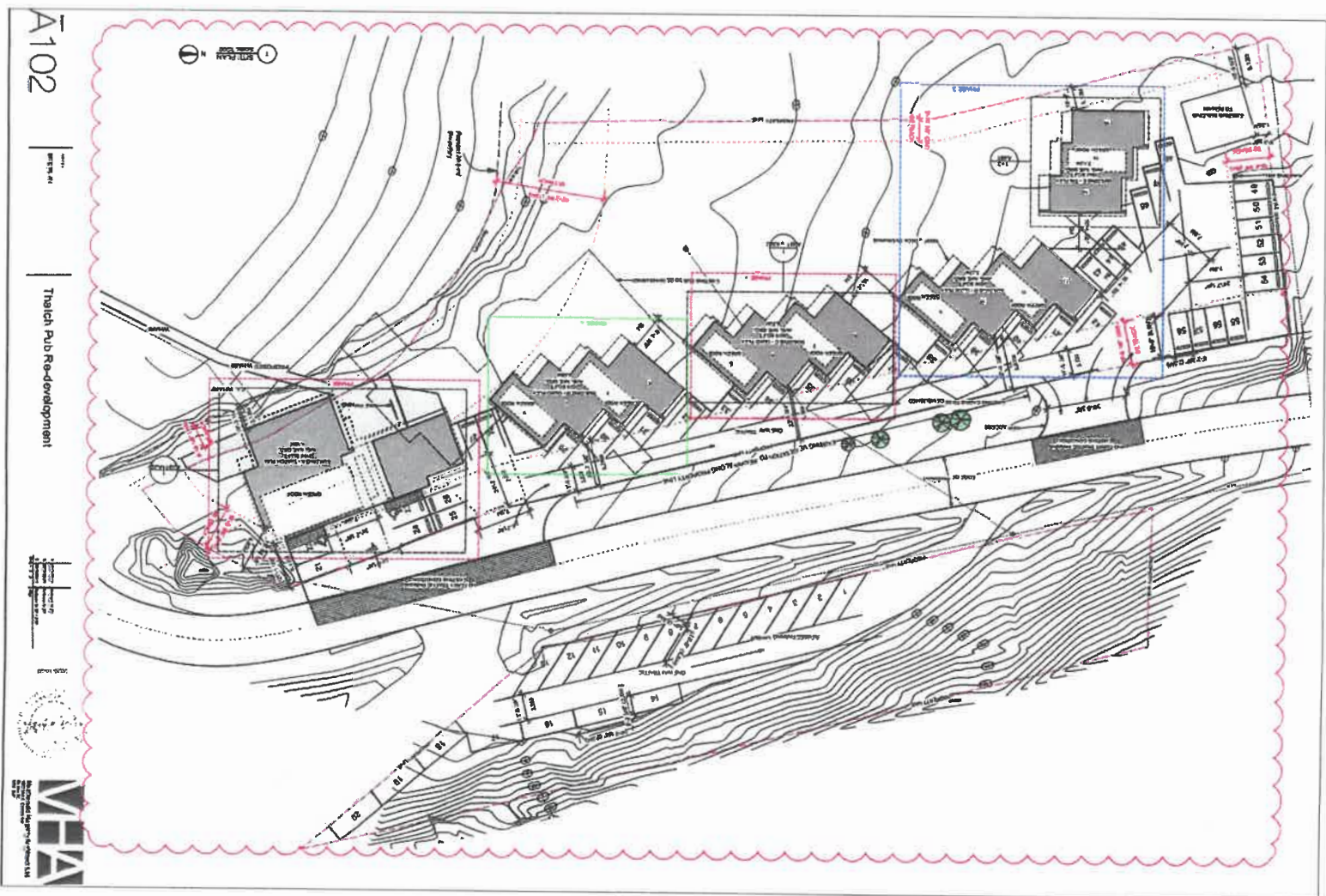


Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 12TH DAY OF NOVEMBER, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

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

**Schedule "A"
Site Plan**



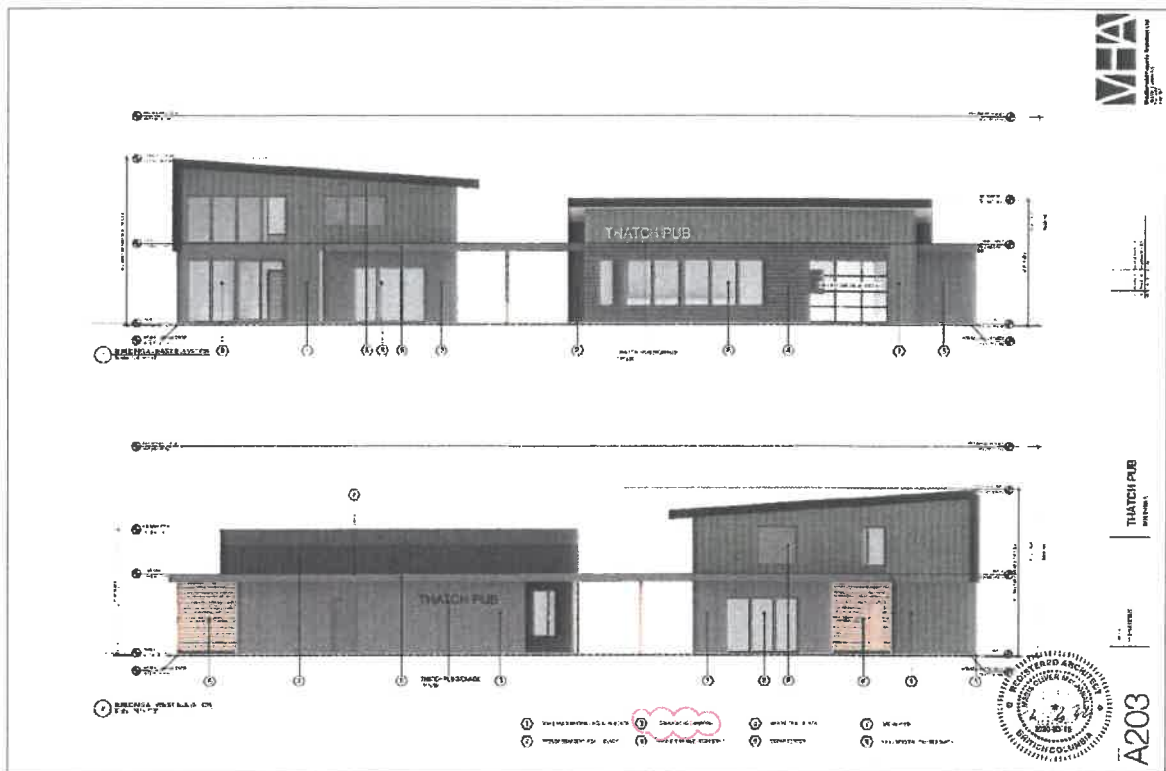
I hereby certify this to be Schedule "A" which is attached
to and forms part of Development Permit
No. HO-DP-2019.5

[Signature]
Signature of Islands Trust Official

November 12, 2020
Date of Issuance

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

**Schedule "B"
Building Plan (Pub/Restaurant)**



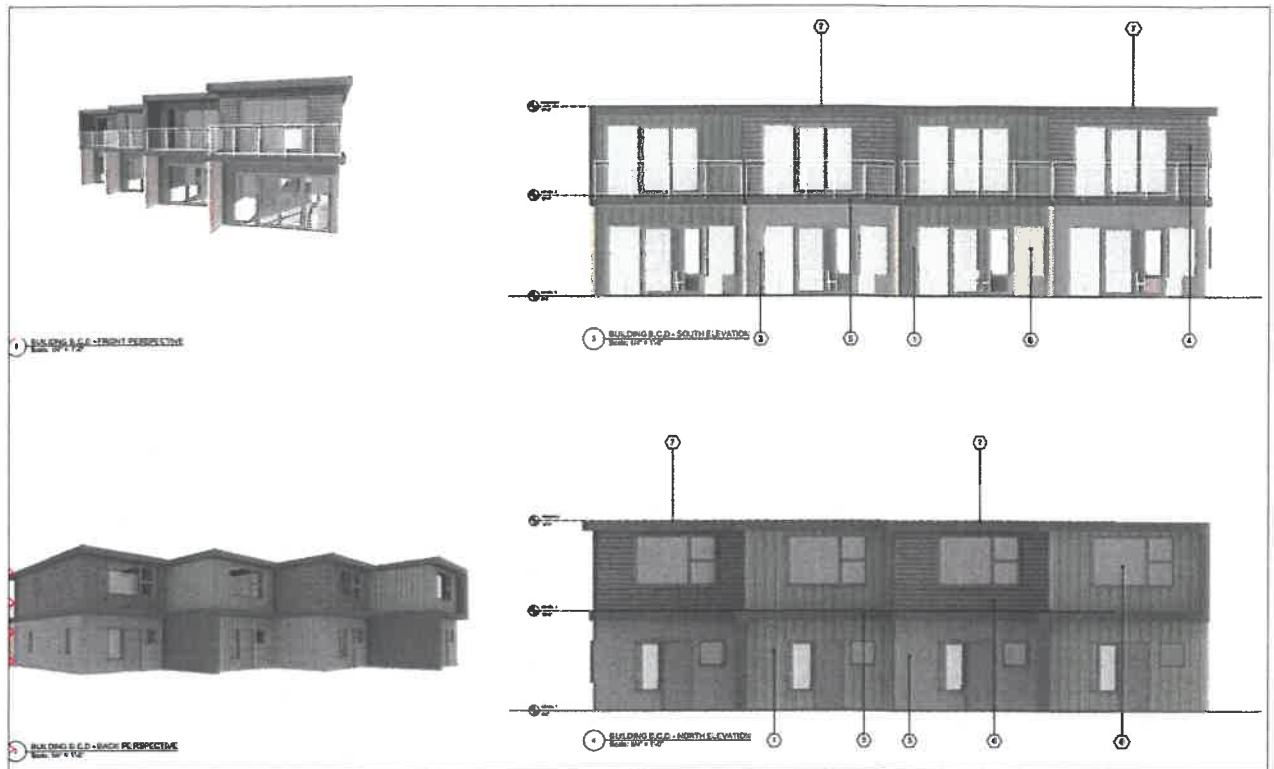
I hereby certify this to be Schedule "B" which is attached
to and forms part of Development Permit
No. HO-DP-2019.5

Am Chuan
Signature of Islands Trust Official

November 12, 2020
Date of Issuance

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

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



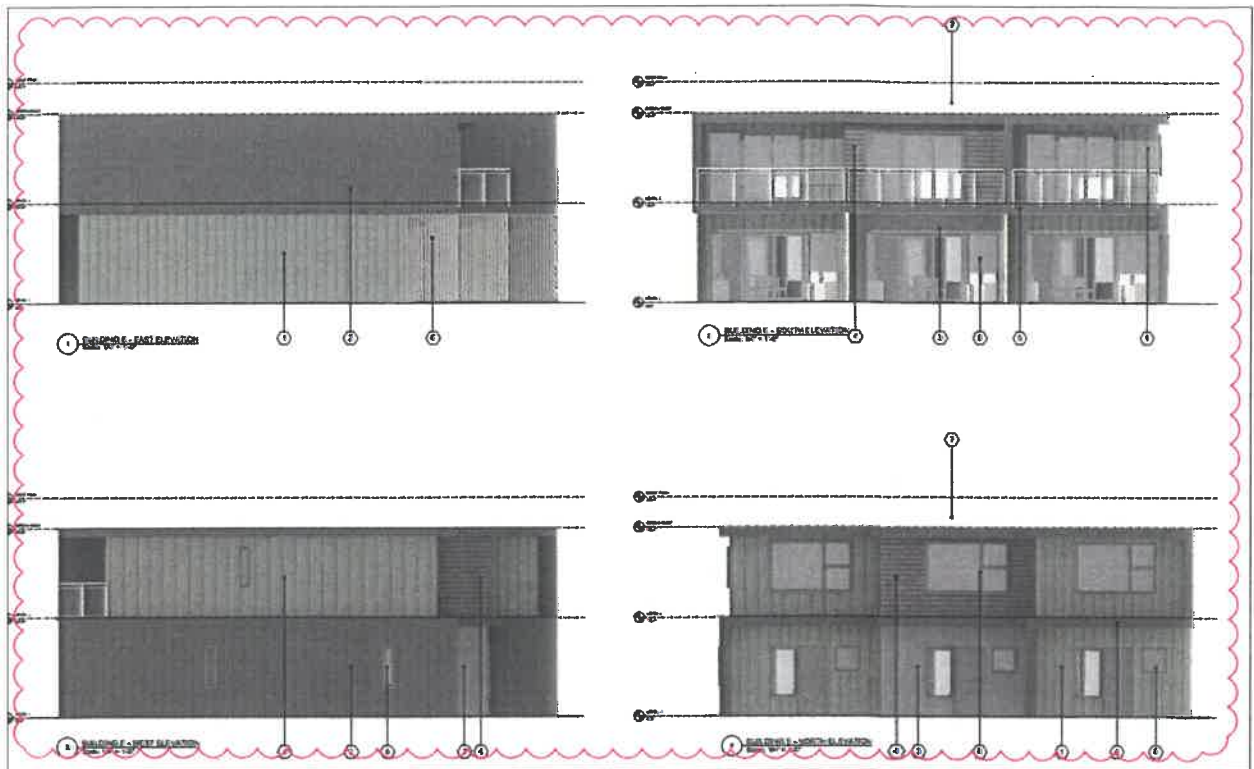
I hereby certify this to be Schedule "C1" which is attached
to and forms part of Development Permit
No. HO-DP-2019.5


Signature of Islands Trust Official

November 12, 2020
Date of Issuance

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

Schedule "C2"
Building Plans (Building E)



I hereby certify this to be Schedule "C2" which is attached
to and forms part of Development Permit
No. HO-DP-2019.5

Amelia
Signature of Islands Trust Official

November 12, 2020
Date of Issuance

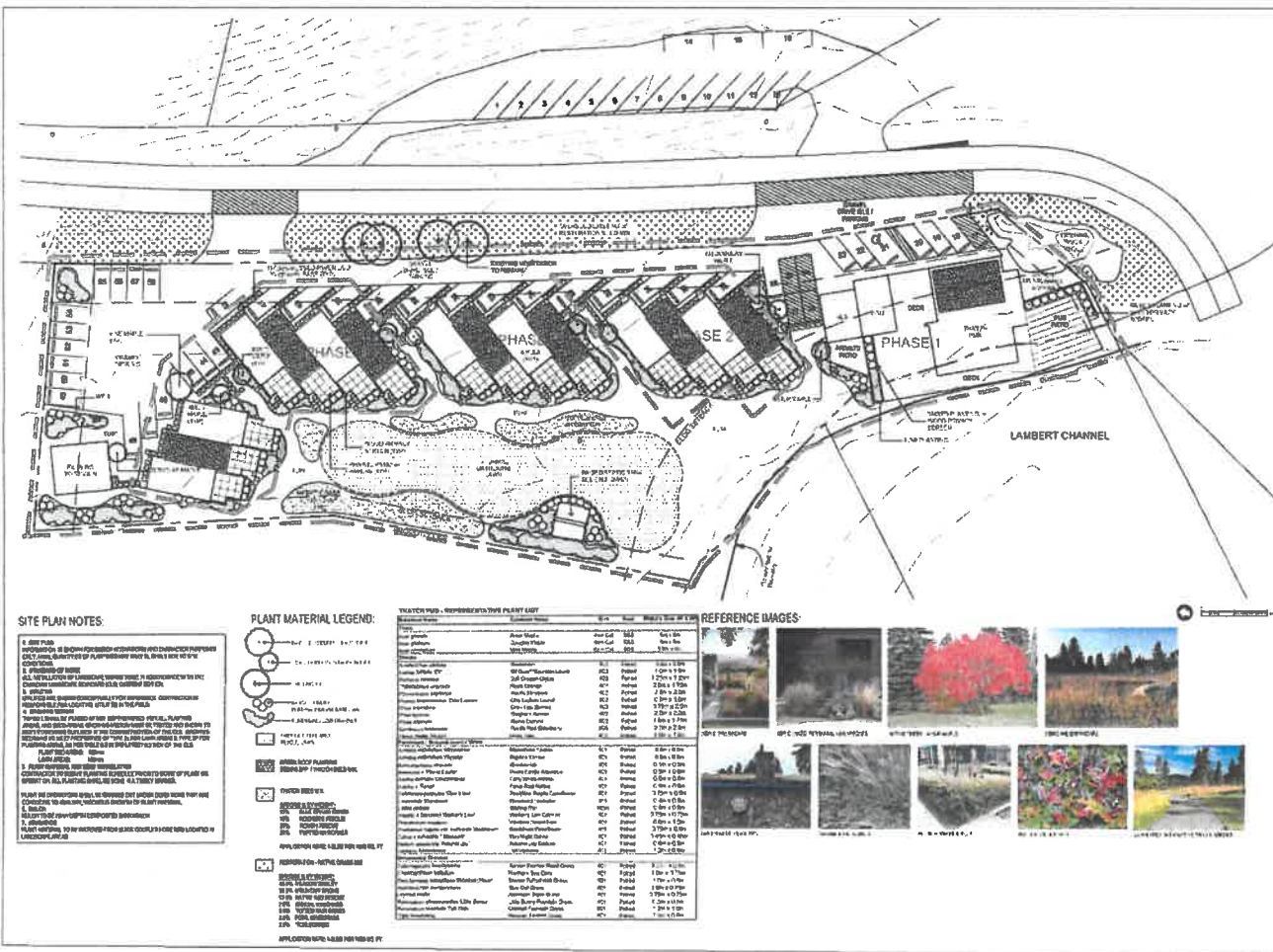
HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.5 (Hornby Island Resort)

Schedule "D"
Landscaping Plan

Bloom
 LANDSCAPE ARCHITECTURE
 1001 Bay St. Unit 100
 Victoria, BC V8V 2P9
 Tel: 250.363.1111
 www.bloomlandscape.com

DATE: 11/12/2020
 PROJECT: HORNBY ISLAND RESORT LTD.
 DRAWING: LANDSCAPE SITE PLAN
 SHEET: 1 OF 1
 SCALE: 1" = 100'

L1



I hereby certify this to be Schedule "D" which is attached to and forms part of Development Permit No. HO-DP-2019.5

[Signature]
 Signature of Islands Trust Official

November 12, 2020
 Date of Issuance

The HO APC recommends to the local trustees, Grant Scott and Alex Allen

The error outlined here be corrected as soon as possible by adding the omitted “Community trades and services, including associated retail

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

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

(a) Cemetery;

(b) Public utility storage yard;

(c) Highways maintenance yard; and

(d) Recycling depot.

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

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

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

9.12.8.1 Highways maintenance yard;

9.12.8.2 Recycling depot;

9.12.8.3 Public utility storage yard;

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

This is an extract from the HO LTC meeting of February 18, 2018:

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

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

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

May 28, 2019 and January 6, 2022, Tony Law, former local trustee, sent a message to HO local trustees, asking when this error would be corrected.

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

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

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

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

Tony Law, concludes: There was never any decision made to change what were additional permitted uses for this sub-zone into the *only* permitted uses. He further states: “I have no idea how this change came about and cannot recall it being addressed by staff, the LTC or the APC.”

*

To date, this error has not been corrected. As a result, current activities in this zone are excluded (Hornby Island Spark Society) and proposed activities, a community housing project, are excluded.

The Hornby Island Advisory Planning Commission recommends that this permitted use: **e) Community trades and services, including associated retail** be put back into *Bylaw 150*.

Wendy Burton, Chair
Hornby Island Advisory Planning Commission

From: Bernhard Weiss [REDACTED]
Sent: January 21, 2022 4:40 PM
To: Alex Allen; Grant Scott
Subject: Bylaw 170

Hi, I do hope that you don't pass bylaw 170 and that "public participation" will be possible before you proceed with this. There are quite a few questions here and I seem to remember that Grant, not that long ago called for IT planners to be available for in person consultations on island, at least occasionally. The way this looks to me, we will have to travel to Gabriola to talk with a real person other than a Bylaw Enforcement Officer.

Was this bylaw your idea or is it mandated from the Executive?

Cheers,

Bernhard

From: Anthony Law

Date: January 6, 2022 at 3:51:45 PM PST

To: northinfo

Cc: Alex Allen , Grant Scott , Wendy Burton , ronandesign , Sue Ellen Fast

Subject: To: Hornby LTC re. Public Use zoning area

To: Hornby Island Local Trust Committee

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

What is being done to address this?

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

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

(a) Cemetery;

(b) Public utility storage yard;

(c) Highways maintenance yard; and

(d) Recycling depot.

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

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

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

9.12.8.1 Highways maintenance yard;

9.12.8.2 Recycling depot;

9.12.8.3 Public utility storage yard;

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

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

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

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

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

When will this error be corrected?

Thank you.

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

Hi Alex:

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

Here is an extract from the minutes of that meeting:

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

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

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

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

Here are links to the current Bylaw and map:

Hornby Island Land Use Bylaw #150

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

- zoning map:

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

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

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

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

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

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

I have no idea how this change came about and cannot recall it being addressed by staff, the LTC or the APC.

I believe *Bylaw 86* correctly addresses what was intended for this subzone which had been identified as an area that could potentially include such uses specified for the whole zone such as community housing on the old Lion's Club land, a community trades and services centre on the land previously identified for light industrial uses and a hostel or community trades and services in the old fire hall.

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

Extract from Bylaw 86

9.12 PUBLIC USE (PU) ZONE

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

PERMITTED USES

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

- 9.12.1.1 Community facility;*
- 9.12.1.2 School;*
- 9.12.1.3 Health clinic;*
- 9.12.1.4 Elder's activity centre;*
- 9.12.1.5 Office of a non-profit society;*
- 9.12.1.6 Government office;*
- 9.12.1.7 Museum;*
- 9.12.1.8 Library;*
- 9.12.1.9 Police station;*
- 9.12.1.10 Public recreation facility;*

9.12.1.11 Accessory uses including accessory residential, accessory retail and accessory food services;
9.12.1.12 Farmers market;
9.12.1.13 Theatre;
9.12.1.14 Art gallery;
9.12.1.15 Fire hall;
9.12.1.16 Community housing;
9.12.1.17 Community radio station;
9.12.1.18 Hostel;
9.12.1.19 Supported living facility;
9.12.1.20 Community wash house facility
9.12.1.21 Community garden; and
9.12.1.22 Child care facility

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

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

MINIMUM SETBACKS

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

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

MINIMUM AND AVERAGE LOT SIZE

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

SCREENING REGULATIONS

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

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

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

9.12.8.1 Highways maintenance yard;

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

SITE SPECIFIC ZONING VARIATION - PU(b)

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

Extract from Bylaw 150

8.21 Public Use (PU) Zone

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:

- (a) fire hall*
- (b) office of a non-profit society;*
- (c) community facility;*
- (d) public use facility;*
- (e) community trades and services;*
- (f) art galleries;*
- (g) theatre;*
- (h) police station;*
- (i) health clinic;*
- (j) museum;*
- (k) school;*
- (l) public recreation facility;*
- (m) library;*
- (n) farmer's market;*
- (o) recycling depot;*
- (p) accessory uses including accessory residential;*
- (q) radio station;*
- (r) community housing;*
- (s) hostel; and*
- (t) cemetery.*

Permitted Buildings, Structures and Density

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

- (a) buildings and structure for the principal permitted uses;*
- (b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and*

(c) accessory buildings and structures.

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare. Siting and Size Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 64

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

(a) 8.0 metres from a front lot line;

(b) 8.0 metres from a rear lot line;

(c) 8.0 metres from an interior side lot line; and

(d) 8.0 metres from an exterior side lot line.

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

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

Conditions of Use

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

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

Site-Specific Regulations

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

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

Site-Specific Zone Site Specific Regulations

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

(a) Cemetery;

(b) Public utility storage yard;

(c) Highways maintenance yard; and

(d) Recycling depot.

I hope this is helpful.

Tony

Tony Law

I respectfully acknowledge I am living on unceded traditional territory of K'òmoks First Nation.

On Jan 4, 2022, at 7:17 AM, Heather Kauer wrote:

Hi Sadie – the map in the Hornby OCP was created with the best information that was available at the time of adoption of the document. The Hornby Local Trust Committee is planning on updating their OCP starting this year. If you think this map is inaccurate, I suggest that you suggest to the Local Trust Committee that they add an update of this map to the scope of their OCP project.
Thanks,

Heather Kauer, MPA, RPP, MCIP, AICP
Regional Planning Manager
Islands Trust | T 250-247-2209

From: Grant and Carol Scott
Sent: Sunday, December 19, 2021 4:50 PM
To: [REDACTED]
Cc: Heather Kauer ; William Shulba
Subject: Re: Aquifer Question

Hi Sadie

Thanks for your keen observation. Heather Kauer is the Trust planner for Hornby and William Shulba the Trust water specialist. They will be able to answer your question.

Cheers

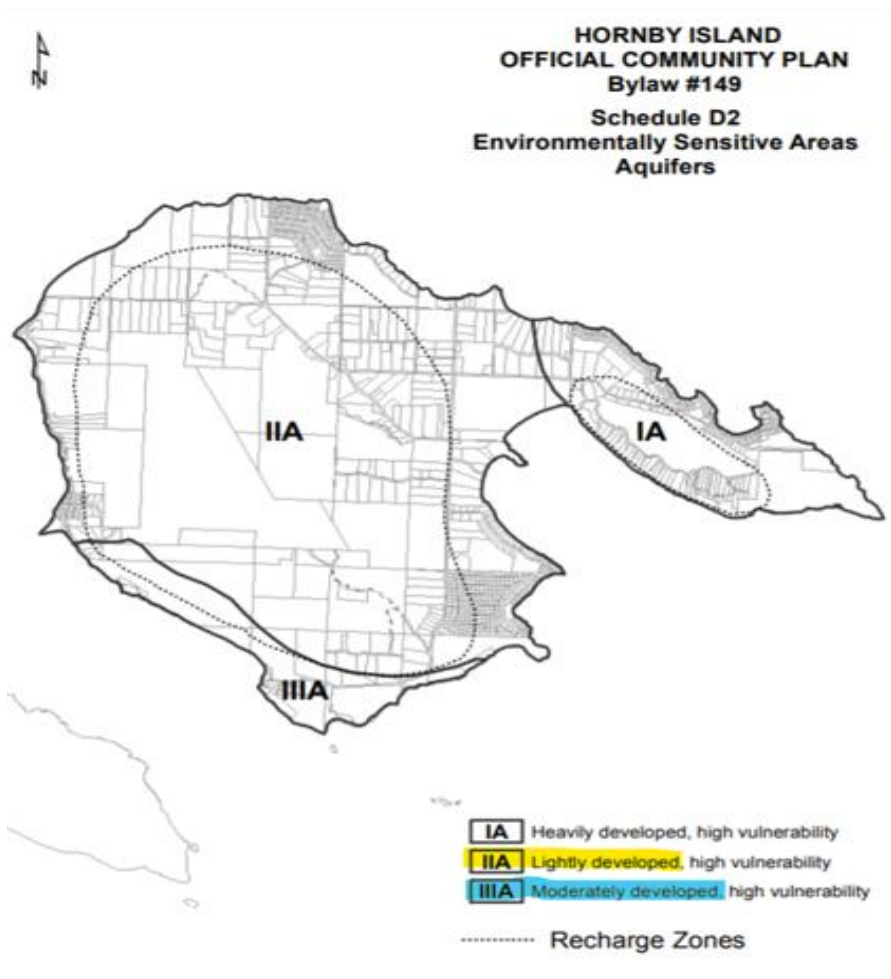
Grant

On Dec 19, 2021, at 4:33 PM, [REDACTED] wrote:

Hi Grant,

It was nice to see you the other day. Hope all is well. I just have a quick question about “Schedule D2” of the OCP. <https://islandstrust.bc.ca/document/hornby-island-schedule-d2-map-ocp-bylaw-149/>

On the map it lists IIA as lightly developed and IIIA as moderately developed... see below highlighted in blue and yellow



Yet, when I look at the BC aquifer classification system, they order it the other way, with moderately developed = IIA and lightly developed as IIIA. See below in pink and orange:

← INCREASING LEVEL OF DEVELOPMENT

	I Heavy	II Moderate	III Light
A High	IA: heavily developed, high vulnerability aquifer	IIA: moderately developed, high vulnerability aquifer	IIIA: lightly developed, high vulnerability aquifer
B Moderate	IB: heavily developed, moderate vulnerability aquifer	IIB: moderately developed, moderate vulnerability aquifer	IIIB: lightly developed, moderate vulnerability aquifer
C Low	IC: heavily developed, low vulnerability aquifer	IIC: moderately developed, low vulnerability aquifer	IIIC: lightly developed, low vulnerability aquifer

NOTE: = implied priority

TABLE 1. Aquifer classes

So... is this an error on the Schedule D map or is it meant to be like that?
Thanks for your help!
Sadie

BRIEFING

To: Local Trust Committees **For the Meeting of:** February 18, 2022
From: David Marlor, Director, Local Planning Services **Date Prepared:** December 15, 2021
SUBJECT: Shoreline Protection Model Bylaw Report

PURPOSE:

The purpose of this briefing is to provide the subject report to each local trust committee.

BACKGROUND:

Trust Council passed a resolution in September, 2021 requesting that Staff forward the Shoreline Protection Model Bylaw Report dated March 2021 to local trust committees and Bowen Island Municipality for information.

This report was undertaken by the Regional Planning Committee in accordance with Islands Trust Strategic Plan Item 2.3. "Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore."

This report undertakes a review of official community plan and land use bylaw provisions for shoreline protection in the Islands Trust Area as well as examples from outside the Islands Trust Area, and provides recommendations for local trust committees and Bowen Island Municipality to consider when developing new, or updating existing shoreline policies and regulations.

ATTACHMENT(S):

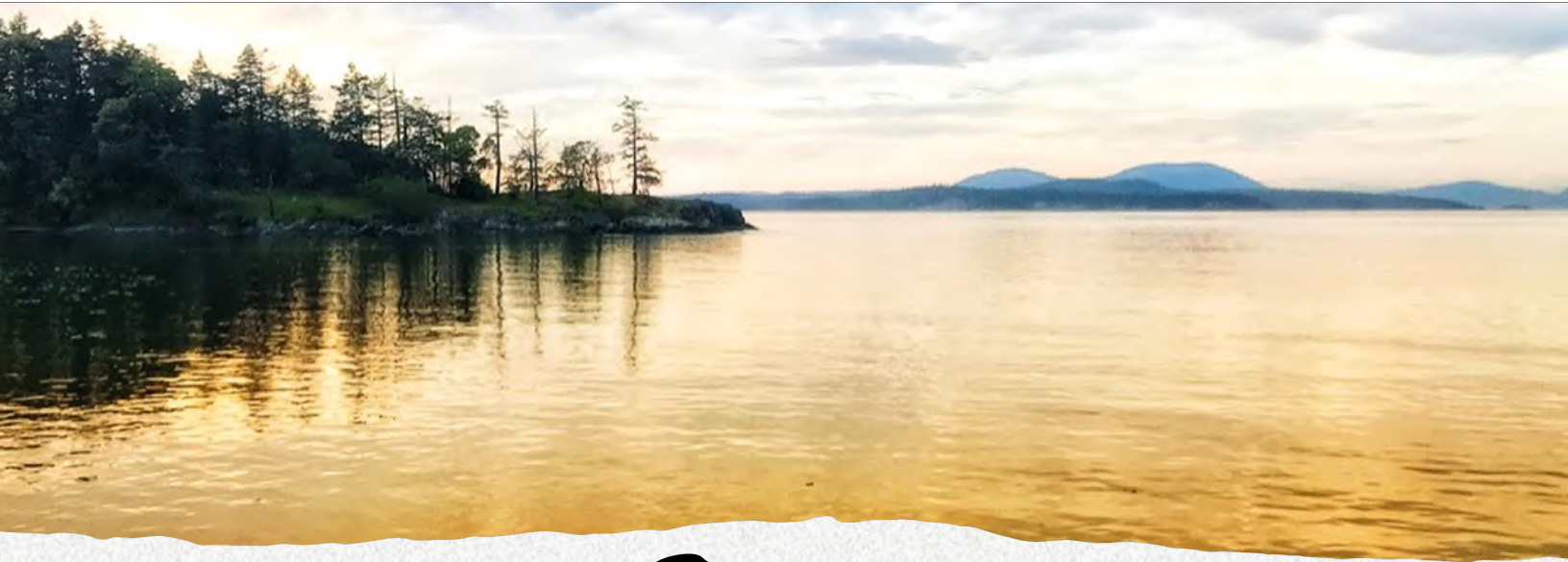
1. Shoreline Protection Model Bylaw Report

FOLLOW-UP:

A requested by the local trust committee. Note that any work on shoreline would be a project of the local trust committee with relevant consideration of staff and budget resources.

Prepared By: David Marlor, Director, Local Trust Committees

Reviewed By/Date:



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

Islands Trust

Laura Busheikin
Denman Island Local Trustee
Chair, Islands Trust Council Regional Planning Committee

Islands Trust Staff

David Marlor, MCIP RPP, Director of Local Planning Services
Lisa Wilcox, kwakwemtenaat, Senior Intergovernmental Policy Advisor
Robert Kojima, Regional Planning Manager, Southern Team
Heather Kauer, RPP, MCIP, AICP, Regional Planning Manager, Northern Team
Sonja Zupanec, RPP, MCIP, Island Planner, Northern Team
Jaime Dubyna, MSc.Pl., Planner 2, Northern Office
Kristine Mayes, Planner 1, Salt Spring Island

Consulting Team

Jean Porteous, MCIP RPP Fraser Simpson Consulting Inc.
Serena Klaver, MCIP Klaver Strategic Planning
Sharon Horsburgh, MCIP RPP Bayshore Planning Inc.

It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



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OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

Project Deliverables:

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (*Source: SSI OCP Volume 1 Section A4 Objective 15*)

Provincial Archaeological Requirements:

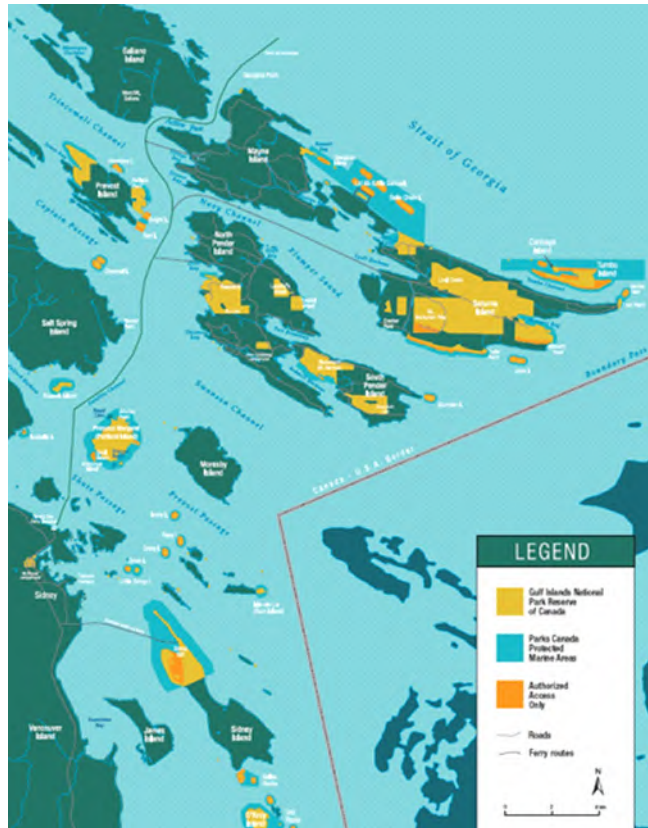
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

Federal Government Initiatives:

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://pc.gc.ca))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region's inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada's most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada's ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

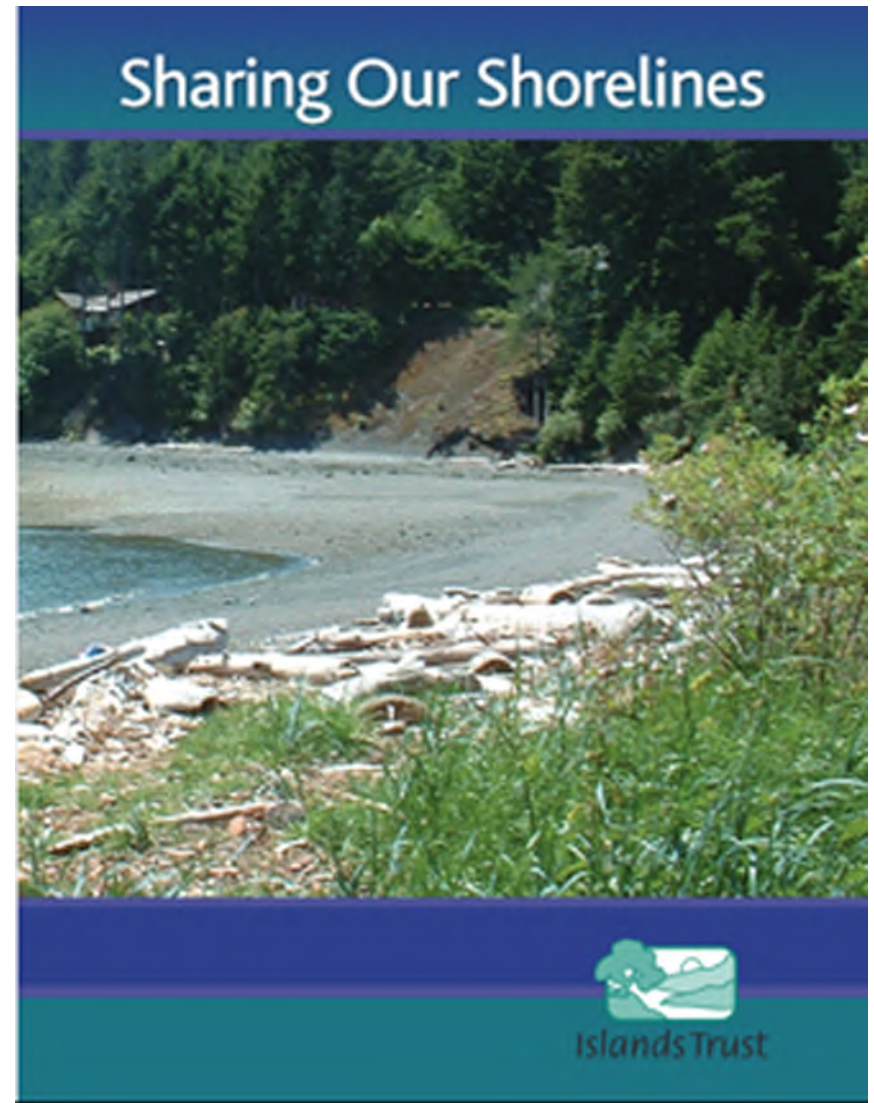
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

BC MARINE COASTAL SHORELINES JURISDICTION

Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



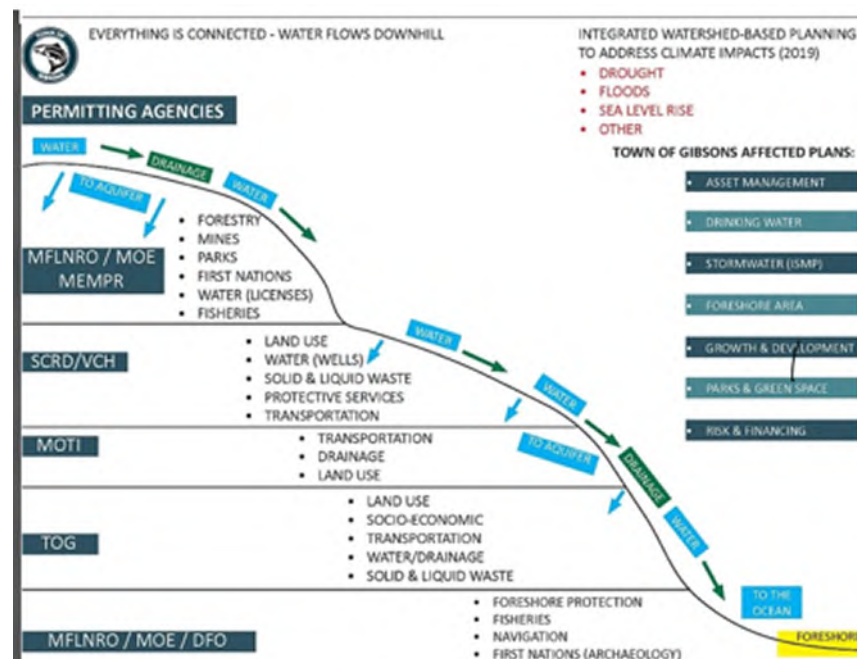
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: 2020-07-28 Gibson's Source to Sea Project.pdf (civicweb.net)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline “riparian” habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to 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 Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

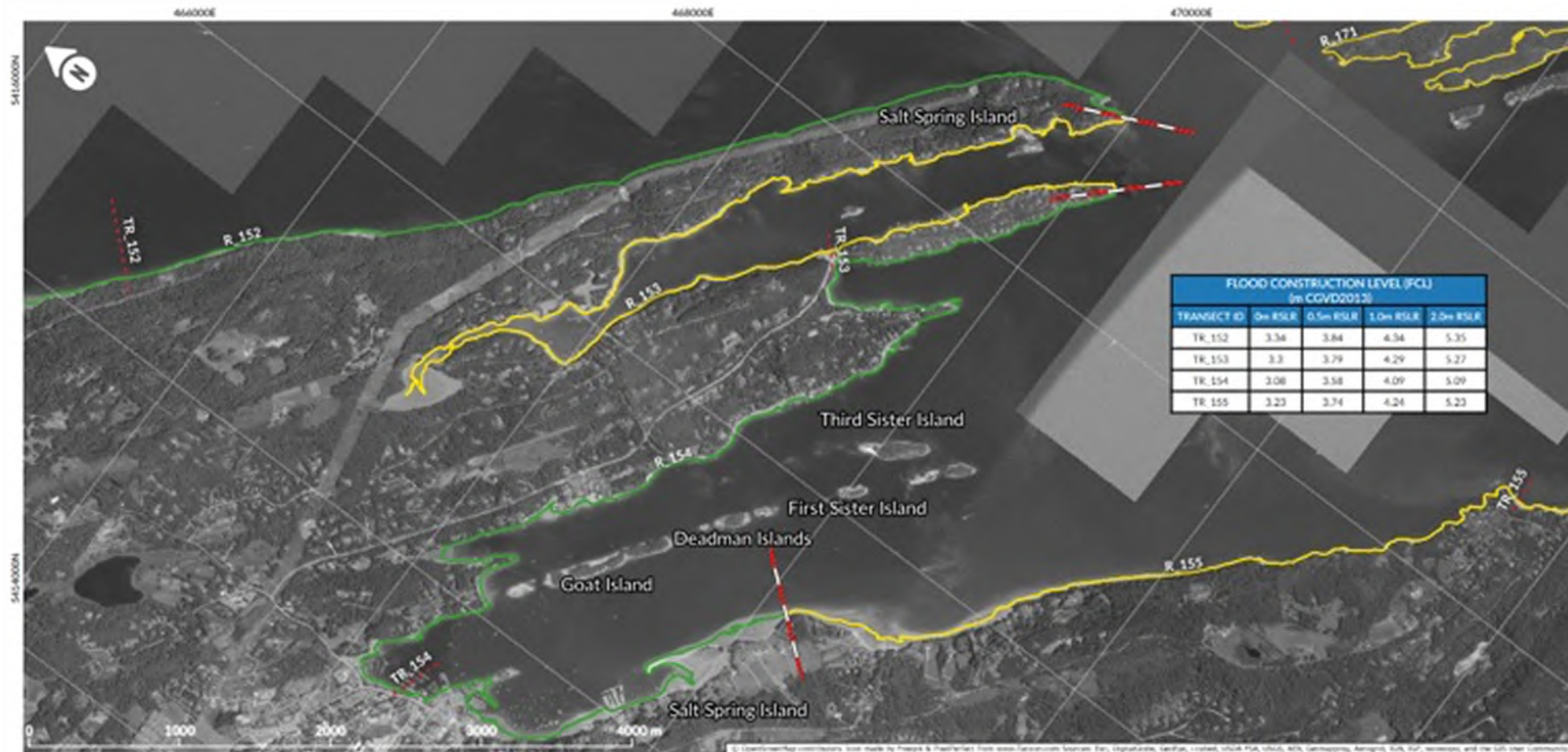


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: Greenshores Credits and Ratings Guide

The following features may project into a required setback area:
o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](#) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

Local Updates (caorda.com)

Hul'qumi'num Heritage Law Case Study Report

KFN Marine Plan 2012.pdf (komoks.ca)

squamish.ca/assets/OCP_Coastal marine planning

Policy Compliance Checklist

Policies for Ecosystem Preservation and Protection

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

	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
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PART IV: Policies for the Stewardship of Resources

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

	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated, and seasonal demands for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.

	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.

	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Nexwlélexwm

Bowen Island

A community within the Islands Trust

Islands Trust **preserves and protects** over 450 islands in the Salish Sea.

Nexwlélexwm (Bowen Island) is within the
Skwxwú7mesh-ulh territory.



Islands Trust



ISLANDS TRUST CONSERVANCY



WELCOME TO
**GAMBIER
ISLAND**

Ha7lh n
skwalwn kwis
tl'íknumut itti
St'áp'as

HA 2014-0000



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 23, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

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

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Manager welcomed Carmen Smith as the new acting Communications Specialist, noting she was not able to make this meeting, but will be introduced at the January 25, 2022 meeting.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Ecosystem Protection Specialist presented the revised Climate Change project charter. Board members discussed contributions, mitigation and adaptation to climate change, criteria for projects, costs, and staff time. Purpose statement for the program was revised to: *'To conduct a pilot analysis of climate change impacts, including the opportunities for ITC properties to contribute to climate change mitigation and adaptation where possible, for 2—3 ITC Nature Reserves, as a first step in adapting ITC's work to best protect local species and ecosystems through climate futures.'*
- The Species at Risk Project Coordinator presented the Species at Risk project charter which was approved as is.
- The ITC Manager provided an overview to Board members of current staff workloads, and changes over the last three years, and commented that there have been several changes in Islands Trust and ITC administrative systems. ITC staff plan to bring suggestions to the Board in January on how to prioritize work items and manage staff workload, to prevent staff burnout and best meet the goals of the ITC Board.
- ITC Meeting Procedure and Bylaw Amendment decision request was deferred to the January 25, 2022 ITC Board Meeting.
- The Islands Trust Conservancy Board (ITCB) directed staff to schedule the 2022 ITCB meeting dates of March 15th, May 24th, October 4th, and November 22nd, 2022 as electronic meetings, and list the Victoria office boardroom as the public meeting location.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference, and allocated up to \$200 for registration.



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

3. COVENANT AND PROPERTY ACQUISITIONS

- The Ecosystems Protection Specialist reported both the Moss Mountain (Salt Spring) Pare-Baile (North Pender) NAPTEP covenants were successfully signed and registered in October and the tax exemption certificates were issued.
- The Ecosystem Protection Specialist presented a conservation proposal to expand the Nighthawk Hill NAPTEP covenant (North Pender) to Board members; noted this was an extension of the current covenant.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the 2021 Nature Reserves monitoring report to the board. Report was accepted as is.
- The ITC Covenant Management and Outreach Specialist presented the 2021 Covenant monitoring report to the board. The report was accepted as is, and staff were directed to address issues identified in the report.
- The ITC Manager presented a development variance permit (DVP) referral for a Hornby DVP application adjacent to an ITC conservation covenant. The Board moved that ITC staff respond to the Hornby Island Local Trust Committee recommending that the development variance permit be declined because of insufficient setback distance from the ITC Covenant and the protected prairie oak (Garry oak) habitat and that the landowner be encouraged to cancel their plans for the construction of a pool in Garry oak habitat. The Board also recommended actions to protect the covenant should the Hornby Island Local Trust Committee approve the application.

5. COMMUNICATIONS AND OUTREACH

- The Ecosystem Protection Specialist briefed board members on bull kelp mapping for the Islands Trust area. Board members suggested making the mapping public and available to researchers, and keeping track of data requests.
- The ITCB accepted the Public Acquisitions Report and the Public Covenants Report (for information)
- Correspondence was received from Margaret Taylor, a Gabriola Island resident. Her letter raised concerns of development on Gabriola. The ITC Board directed staff to forward the letter to the Gabriola Island Local Trust Committee and requested that the Chair respond to Ms. Taylor.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Manager provided the 2022-23 budget request to the Board for information, including the updated business case for a Strategic Fundraising position. The budget request was approved at the October ITCB meeting.



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

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

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: Stephen Baugh	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: 11-Jan-2022 File reassigned.			
Status Date: 02-Nov-2021 Revised site plan received.			
Status Date: 04-Oct-2021 File reassigned.			
File Number	Applicant Name	Date Received	Purpose
HO-DP-2022.1	Hornby Island Resort Ltd. Planner: Teresa Mahikwa	29-Dec-2021	PID: 028-882-075 Amendment to DP-2019.5 - sequence of construction phasing. Civic address: 4305 Shingle Spit Road, Hornby Island, BC.
Planning Status			
Status Date: 12-Jan-2022 File opened & assigned.			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2021.2	Sigurd Wiig	22-Jun-2021	PID: 000-941-263 Height variance required. Civic: 3930 Brigantine Crescent, Hornby Island, BC.

Planner: Teresa Mahikwa

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

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.1	Hornby Island Resort Ltd.	29-Dec-2021	PID: 028-882-075 To reduce the marine setback to the proposed wastewater dispersal field and to increase the height of Buildings B & C in order to reduce excavation on site. Civic address: 4305 Shingle Spit Road, Hornby Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 12-Jan-2022

File opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.2	Wall, David & Katharine	25-Jan-2022	PID: 003-607-518 To bring building into compliance with lot line. Civic address: 6845 Anderson Drive, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date:

Applications

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: Stephen Baugh			
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 02-Nov-2021 Revised site plan received.			
Status Date: 04-Oct-2021 File reassigned.			

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-2022.1	Sullivan & Stephens, Stephen & Cheryl	28-Jan-2022	PID: 003-036-669 Building addition to cabin and workshop. Civic address: 5315 Reicken Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 28-Jan-2022

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 December 2021

635 Hornby	Invoices posted to Month ending December 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	1,412.00	974.00
65210-635	LTC - Local Exp - APC Meeting Expenses	370.00	1,098.45	-728.45
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>2,750.45</u>	<u>549.55</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

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.

Responsible

David Marlor

Dates

Rec'd: 06-Nov-2020

2. Watershed Protection and Groundwater Preservation

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

Responsible

William Shulba

Dates

Rec'd: 08-Jun-2018

3. Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.

Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.

Responsible

Heather Kauer

Dates

Rec'd: 06-Nov-2020



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. *Fees Bylaw Update*

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