Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: May 6, 2022
Time: 10:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

1. CALL TO ORDER 10:30 AM - 10:35 AM

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

2. APPROVAL OF AGENDA

3. RISE AND REPORT - November 26, 2021 In Camera Meeting

4. REPORTS 10:35 AM - 11:00 AM

4.1. Trustee Reports

4.2. Chair's Report

4.3. Electoral Area Director's Report

5. TOWN HALL 11:00 AM - 11:10 AM

6. DELEGATIONS 11:10 AM - 11:25 AM

6.1. Wendy Burton for Advisory Planning Commission Recommendations 4 - 10

7. MINUTES 11:25 AM - 11:35 AM

7.1. Local Trust Committee Minutes dated February 18, 2022 - for adoption 11 - 19

7.2. Section 26 Resolutions-without-meeting Report dated April 26, 2022 20 - 20

7.3. Advisory Planning Commission Minutes - for receipt

7.3.1. January 14, 2022 21 - 23

7.3.2. January 28, 2022 24 - 26

7.3.3. February 11, 2022 27 - 29

7.3.4. February 25, 2022 30 - 32
7.3.5. March 18, 2022 33 - 35
7.3.6. March 29, 2022 36 - 37

8. BUSINESS ARISING FROM MINUTES 11:35 AM - 12:15 PM

8.1. Follow-up Action List Report dated April 26, 2022 38 - 40

8.2. Fees Bylaw No. 169 - Update - Staff Report 41 - 51

8.3. Siting and Use Permit Bylaw - Staff Report 52 - 63

8.4. Islands Trust Ferry Terminal Signage - for discussion

9. APPLICATIONS, REFERRALS AND BYLAWS 12:15 PM - 12:30 PM

9.1. Bylaw No. 166 - for consideration of adoption 64 - 66

That Hornby Island Local Trust Committee Bylaw No. 166 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021", be adopted.

9.2. HO-DVP-2022.1 - Hornby Island Resorts - update

9.2.1. Staff Report dated February 18, 2022 67 - 89

10. LOCAL TRUST COMMITTEE PROJECTS

10.1. Budget for Official Community Plan Targeted Review

11. CORRESPONDENCE 12:30 PM - 12:35 PM

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

11.1. Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission 90 - 90

11.2. Letter dated March 27, 2022 from T. Law regarding Amending the Home Owner Grant Program to Support Residential Housing 91 - 91

11.3. Email dated April 20, 2022 from G. Underhill regarding - Neighbourhood Beach Parking and Overuse on Hornby Island 92 - 93

12. NEW BUSINESS 12:35 PM - 12:45 PM

12.1. Annual Report - Staff Report 94 - 95

------- BREAK 12:45 PM to 1:15 PM -------

13. REPORTS 1:15 PM - 1:35 PM

13.1. Trust Conservancy Report

13.1.1. January 25, 2022 96 - 98

13.1.2. March 22, 2022 99 - 100

13.1.3. The Heron - Spring 2022 101 - 108

13.2. Applications Report dated April 26, 2022 109 - 115

13.3. Trustee and Local Expense Report dated February, 2022 116 - 116

13.4. Adopted Policies and Standing Resolutions 117 - 121

13.5. Local Trust Committee Webpage

14. WORK PROGRAM 1:35 PM - 1:55 PM

14.1. Top Priorities Report dated April 26, 2022 122 - 123

14.2. Projects List Report dated April 26, 2022 124 - 126

15. INFORMATION ITEMS

15.1. Islands Trust Council Decision Highlights - March 2022 127 - 127

16. UPCOMING MEETINGS

16.1. Next Regular Meeting Scheduled for Friday, June 10, 2022 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

17. CLOSED MEETING 1:55 PM - 2:10 PM

17.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering appointment of Advisory Planning Commission Members and adoption of In-Camera Meeting minutes dated November 26, 2021 and that the recorder and staff attend the meeting.

17.2. Recall to Order

18. ADJOURNMENT 2:10 PM - 2:10 PM

Housing and Short Term Rentals

Recommendations from Hornby Island Advisory Planning Commission

March 29, 2022

These are the over-arching principles of the Official Community Plan: to protect groundwater, to preserve ecosystems and biodiversity.

All recommendations have been considered through the lens of climate change.

We work with the awareness of unintended consequences. We know there are no guarantees these recommendations will lead to affordable, available housing. We acknowledge our recommendations are part of a process to improve housing accessibility and to regulate short term rentals and their impact on housing availability and affordability.

We proceed from evidence based on research from similar communities in British Columbia and Canada experiencing similar problems.

We exercise the Precautionary Principle, that is, when in doubt we exercise caution in our recommendations.

Addressing the lack of affordable, available housing on Hornby Island is a long-range process.

These recommendations, if accepted by the local trustees, will be sent on to the contracted planner, who will write the relevant language for the OCP and the respective bylaws. Part of this process is extensive community consultation through the 1st, 2nd, and 3rd Readings.

Advisory Planning Commission: Vicki Bale, Wendy Burton, Christine Hunt, Rob McCreary, Joanne Ovitsland

Resource People: Rudy Rogalsky, HICEEC; Patrick Lui, HISTRA; April Lewis or Sadie Chezenko, HIHS; Tony Law, Fred Hunt, former trustees.

Density

Rationale

One would think the solution to the housing crisis on Hornby Island would be simple. Build more houses. Permit more density everywhere. Revoke all land use bylaws, re-write the Official Community Plan and create hundreds of houses.

Increasing density will not automatically lead to an increase in affordable housing stock. Being able to subdivide a R2 parcel to build a second dwelling will drive up property values and could

remove potential farm land. Putting a second home on a half-acre parcel will not mean residential rental tenure for the more than 30 families looking for affordable accommodation.

Hornby Island continues to be a community with water scarcity, vulnerable eco-systems, and limited productive farmland. Food security is a concern on Hornby Island; reducing available land by putting up more houses will lead to less sustainable food production and will do nothing to guarantee year-round affordable and available homes.

Recommendations

1. In Large Lot Residential zone, allow multi-family development through site-specific subdivision re-zoning. Limit the development to "residential rental tenure."
2. In Large Lot Residential zone, create a new zone permitting permanent second dwelling, Short Term Rental (STR) prohibited. The location of this new zone will be determined through community consultation.
3. Permit in all zones: site specific applications to permit a second dwelling for residential rental tenure, verifying proven septic, water, and lot coverage. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.

Temporary Use Permit

Rationale

The Islands Trust cannot issue business licenses to Short Term Rental (STR) operators. Currently, there is no way for the community to know who is operating where and under what conditions. The last official count of STR was 162 in 2018. A survey of advertised STR in 2020 indicated 125 properties operating as STR. Anecdotal evidence indicates the number is at least as high as 2018. Proactive bylaw enforcement began in 2019, and the ongoing enforcement was seriously hampered by Covid19 safety plans that prevented the Bylaw Enforcement Officer from attending in person. The recently-formed Hornby Island Short Term Rental Association (HISTRA), advised us they are a "best practices" association; membership is not required to operate an STR on Hornby Island and compliance to existing bylaws is advised but not required for membership.

The only tool local trustees have is the Temporary Use Permit (TUP). Such permits are required for STR in the Whaling Station subdivision and as far as we know not one has been issued.

TUP are also available for secondary dwellings in permitted zones, and as far as we know not one has been issued. We encourage the local trustees to advise home owners to consider applying for a TUP, to increase density and to provide residential rental tenure where appropriate and desired.

For those who operate a STR that is currently non-compliant, there is this option:

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

Our rationale is simple. In order to regulate and control a land use that has a demonstrated impact on housing stock, housing availability and housing affordability, in order to understand the nature of the sector, in order to plan appropriately for the growth of this sector, Hornby Island has to know how many, where, when, and for whom (occupancy). For these reasons, we are recommending the following:

Recommendations

1. Short Term Rentals as a permitted use is revoked in all zones.
2. At the same time all STR operators apply for TUP effective [*date of bylaw change*]

    a.) provide water and septic certification and maintenance plan (part of TUP)

    b.) TUP for STR be batch processed and the fee adjusted to $250 and to $0 if the permit is to provide a community benefit, ie community housing

    c.) Current occupancy limits be confirmed as part of TUP process

3. Rental period defined as three months, for example June 15 to September 15

SHORT TERM RENTAL (STR)

Rationale

The members of the APC recognize the connection between affordable, available housing, increased tourism, and short term rental accommodation. When STR became a permitted use, and bylaws were created to regulate this use, few could have foreseen the proliferation of STR. The hypothetical STR operator, described in 2009, was an older woman living alone in a large home, endeavouring to rent part of her home for a few weeks in the summer to earn enough money to pay her taxes and finance home repairs. Regulations on how long and how many were put in place to preserve the rural nature of the community and protect the eco-systems of the Island. Water capacity and septic capacity were intended to be part of the protect mandate.

The growth of tourism, while appreciated by many, is a source of concern for a sustainable, viable future for all who live on the Island. The community has to be given an opportunity to discuss how much is too much and/or how much is not enough.

These recommendations govern all Short Term Rentals (STR) that are operating currently and would therefore be legally non-conforming and all STR authorised by approved TUP.

Recommendations

1. All STR (including those advertised on AirBnB and any other advertising platform) must register with Islands Trust. A registry will be maintained by Islands Trust.

2. All STR have proven septic and water capacity. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.
3. STR are conducted within the principal residence on the property (not a secondary building) where permitted.
4. The rental period is reduced from five months to three months, for example, from May 1 - September 30 to June 15 to September 15

   This is a contentious recommendation. The existing period was the result of extensive community consultation in the 2000's before the bylaws were created. Many community members now believe the period is too long. Other community members, especially those in the visitor accommodation sector, now believe it is too short. Many STR are in non-compliance, that is, they operate year round or outside the rental period of May 1 to September 30. The argument that shortening the period would affect MRDT funds coming to the community is one that has to be put to the community.
5. One STR per property
6. Enforce bylaws about STR in secondary dwellings where permitted.

   This recommendation is to do with STR provided in secondary dwellings in zones where such a use is permitted. Addressing the bylaw compliance of secondary dwellings that are not being used for STR in all zones is outside our referral. Year round dwellings / housing should not have enforcement even when moratorium on enforcement is discontinued. It would be next to impossible for enforcement of year round housing as there is no reliable way to monitor availability and use and the threat of enforcement could diminish available residential housing stock

7. Proactive enforcement of all Visitor Accommodation (inclusive of resorts, campgrounds, glamping).
8. Require all platforms to list only those properties in compliance.
9. Require all platforms to provide data (*cf* Union of BC Municipalities stakeholders report, June 2021).[1]
10. Clarify the occupancy limits by zone for STR.

    Tie advertising to occupancy, i.e. the advertised occupancy conforms to bylaws

11. Number of STR on Hornby Island be capped.

    While STR are a permitted use on Hornby Island, the number cannot be capped

12. Permit limited number of long-term residential occupancy of seasonal campgrounds

[1] This report makes several recommendations. The Province is urged to require STR operators to register as business; platforms advertising STR be required to provide a section for hosts to display business licenses or permits; platforms advertising STR be required to collect data and make data available to the province and available to local governments; and platforms advertising be required to refuse advertisements from non-compliant businesses.

ZONING

Rationale

The reason for the first recommendation is this: water scarcity in all subdivisions (Whaling Station, Galleon, Sandpiper) is a fact. Inadequate septic capacity on many R1 lots is a fact. Currently, the only properties on Hornby Island that are required to prove septic capacity are STR in the Whaling Station Water Zone. As far as we know, not one TUP has been issued for STR in this zone. Recommendation #1 will provide information about how many properties are operating a STR.

Recommendations

1. All SR (Small Lot Residential) lots/zones be designated IA Heavily Developed Aquifer.

   Any STR operating in a IA Heavily Developed Aquifer would apply for a TUP and would be required to certify septic capacity.

2. Create bylaws governing Lerena Vineyards and Fossil Beach Farm.
3. Clarify "visitor accommodation" and relevant bylaws for Hornby Island Resort (the "Thatch") development.
4. Amend the bylaws governing Public Use Zone to add (e):

   Despite 8.21(1), the only permitted uses are:
   (a) Cemetery;
   (b) Public utility storage yard;
   (c) Highways maintenance yard;
   (d) Recycling depot; and
   (e) Community trades and services, including associated retail.

ADMINISTRATIVE

1. Change LUB 8.5 where Elder Housing and ISLA are named. Change to Hornby Island Housing Society.
2. All site plans and permits be checked for compliance with on-site visits.

DEFINITIONS

1. Community housing includes mobile homes, tiny homes, caravans, yurts. We recommend revising this language so it is inclusive of seasonal work-force housing.

   Current OCP: "Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is

provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

2. Define "tank" to exclude cisterns.
3. Define cistern. We recommend cisterns continue to be governed by setback requirements on all zones.
4. Clarify if septic field and absorption field mean the same thing.

ADVOCACY

1. Continue to request the provincial government allow Islands Trust communities to issue business licenses for short term rentals. If it becomes possible to issue business licenses, then the HOAPC recommends requiring a business license for all STR and removing the requirement to apply for a TUP.
2. Advocate the provincial government mandate that all platforms advertising short term rentals be required to provide data and to advertise only those businesses that are compliant with existing, local bylaws.
3. As well as providing information about water conservation, STR operators provide guests with information about Indigenous presence and occupation of Hornby Island
4. Prepare a simplified Guide to LUB to educate owners and operators about Hornby Island's OCP and LUB.
5. Advocate that realtors provide information about LUB and STR regulations

Wendy Burton and Joanne Ovitsland, on behalf of Hornby Island Advisory Planning Commission

Recommendations approved by consensus at a formal meeting of the HOAPC on March 29, 2022.

Appendix A: Document List

Documents consulted by APC and Resource People November 2021 to March 2022

1. G Horvath Document 1, email August 30, 2021: Well Water Turning Grey
2. T Law Document 2 Vacation Rentals – Hornby Island 2009
3. T Law Document 3 August 13 2020 Vacation Home Rentals – account
4. T Law Document 4 November 2012 History of STR
5. T Law Document 5 October 22 2021 Email Residential rentals on Hornby
6. T Law Document 6 24 October 2021 Correcting a Problem in the Vacation Home Rental Regulations
7. T Law Document 7 27 October 2021 Addressing Over-occupancy of Vacation Home Rentals
8. T Law Document 8 22 October 2021 Capping the number of vacation home rentals
9. S Chezenko Document 9 10 October 29 STR Policy Options
10. A Lewis Document 10 October 2021 Summary of Advertised Paying Guests
11. Same as #9
12. A. Lewis 28 October 2021 Housing and Short Term Rental Strategies (Facebook compilation)
13. Ferry Ridership.png
14. Land Use Regulation and Housing – T. Law - 2022
15. Regulations STR Toolkit 2021
16. Vacation Rentals 2017 – Staff Report
17. Vacation Rentals HICEEC
18. Hornby VHR FAQ Document
19. Home Rental Policy Review 2017
20. Rainwater Guidelines BC Government
21. Vacation Rental Backstory 2011 onward
22. Enabling additional rental and temporary housing opportunities – T Law
23. Policy Areas Housing Priorities for Short Term Rentals – BC Government
24. Vacation Home Rental Survey Results
25. Email from Ed Hoeppner, January 8, 2022
26. 26. Informal note from Rob McCreary on first brainstorm list (see minutes of January 28, 2022 meeting)
27. Horvath document and ministerial response
28. Minimum Lot Size Rural Residential 2 Tony Law
29. Community Water Supply (HI)
30. Jo Ovitsland summary of STR Management Toolkit
31. Density Benefits for Housing and Hornby Island
32. MRDT Program Requirements September 2021
33. Food Security Report January 18, 2022, Nym Hughes
34. HIHS OCP Bylaw Revisions

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: February 18, 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
Teresa Mahikwa, Planner
Katherine Vogt, Recorder
Wil Cottingham, Electronic Meeting Administrator

Others Present Approximately Eight (8) members of the public
Sadie Chezenko, Member of the Hornby Housing Network
Wendy Burton, Chair of the Hornby Island Advisory Planning Commission

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 10:02 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She welcomed Trustees, staff, recorder, and members of the public. She noted that the meeting was being held electronically due to covid conditions. Members of the public were invited to watch on livestream through the video on demand button on the Islands Trust website if they were unable to connect to the Zoom Webinar.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported on the following:

- Increasing taxes are of concern to a number of residents who question if they are getting good value for their tax contributions.
- The next Trust Council meeting on March 8, 9 and 10, 2022 in Nanaimo will most likely include lively debate on the proposed Trust budget on Wednesday, March 9.
- The Draft Islands Trust Policy Statement, also up for debate at the upcoming Trust Council meeting, seems too long and complicated and makes one question who it is written for.

Trustee Allen reported on the following:

- Phase 3 of public engagement on the Islands Trust Draft Policy Statement will include robust public engagement in March and April 2022, including virtual live question and answer sessions, community workshops, and focus groups. A summary of public responses will be completed in May 2022 and posted on the Islands Trust website. Members of the public can email islands2050@islandstrust.bc.ca to make a response to the Draft Policy Statement that will be made public. If one wishes to privately respond they can contact a Trustee.
- Stewardship awards are returning soon to celebrate outstanding community members and groups.

3.2 Chair's Report

Chair Fast reported on the following:

- The upcoming Trust Council meeting in March will be a hybrid format and may be attended in person in Nanaimo or by Zoom Webinar.
- The agenda for the upcoming Trust Council meeting includes the budget, the Draft Policy Statement, and the Governance review to which consultants will be speaking.
- A recent Financial Planning Committee meeting.

3.3 Electoral Area Director's Report

None.

4. TOWN HALL

None.

5. DELEGATIONS

5.1 The Hornby Housing Network - April Lewis

5.1.1 Letters of Support - Beulah Creek

Sadie Chezenko spoke for the Hornby Housing Network as a board director member about the progress of Beulah Creek Village, an affordable housing project comprising 26 rental housing units. Recent letters of support from individuals, businesses, and organizations on Hornby Island to BC housing were highlighted. The recent letter of support from Trustees to BC Housing was greatly appreciated. The Hornby Housing Network was further requesting that the Local Trust Committee (LTC) waive the project's development permit fees and make processing the permits an LTC top priority.

- Trustees and Chair Fast thanked Sadie Chezenko for her excellent presentation and thanked the Hornby Housing Network board for their hard work.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 10, 2021 - for adoption

The following amendments to the minutes were presented for consideration:

- Correct the spelling of Trustee Allan to Trustee Allen at five locations: page 2 third paragraph; page 4 under 8.1 first paragraph; page 5 second and eighth paragraph; page 8 under 13.3 first paragraph.

HO-LTC-2022-007
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee adopt the Minutes of December 10, 2021 as amended.

CARRIED

6.2 Local Trust Committee Special Meeting Minutes dated January 24, 2022 - for adoption

HO-LTC-2022-008
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee adopt the special meeting minutes of January 24, 2022 as presented.

CARRIED

6.3 Section 26 Resolutions-without-meeting Report dated February 10, 2021

Received.

6.4 Advisory Planning Commission Minutes dated November 26, 2021 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated February 8, 2022

HO-LTC-2022-009
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to create a power point that describes the Trust and its authority in terms that can be presented on Hornby Island to assist public understanding.

CARRIED

Trustee Scott requested that this item be put on the next agenda, that it be added to the Follow-up Action List, and that approximately 30 slides already existing in Victoria be used for the presentation.

7.2 Model Fees Bylaw Update - Staff Report

Regional planning Manager Kauer prepared and presented the staff report which asks Trustees to consider giving first, second, and third reading to Bylaw No. 169 cited as "Hornby Island local Trust Committee Fees Bylaw, 2022," to replace the present LTC Fees Bylaw No. 132.

Regional Planning Manager Kauer noted the following:

- The Trust Council model fees bylaw had previously been referred to the Advisory Planning Commission (APC) who had recommended it be adopted with special consideration given to Temporary Use Permit (TUP) fees.

- Draft Bylaw No. 169 is consistent with the Trust Council model fees bylaw except for the removal of the option for TUPs for community benefit.
- Trust council recommends that fees should not be changed more than 20%.
- The original LTC Fees Bylaw No. 132 was adopted in 2007 and amended in 2018.

APC Chair Burton noted that the high increase in some of the fees seemed reasonable as they reflect the extra costs of processing certain types of applications and permits. The TUP fee was recommended for special consideration because of the possibility they could be bundled for less expensive processing when there was community benefit.

Chair Fast noted that Trust Council had determined that taxpayers should not be subsidizing private development.

Trustees discussed appropriate advertising for the proposed fees bylaw and thanked APC Chair Burton for the work of the APC.

HO-LTC-2022-010
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee defer decision on the Fees Bylaw No. 169 until the next Local Trust Committee meeting on May 6, 2022.

CARRIED

7.3 Screening of Dust 'n Bones - for discussion

Deferred to next meeting due to covid concerns.

7.4 Letter dated February 8, 2022 to BC Housing from Chair Fast, Hornby Island Local Trust Committee regarding Beulah Creek Housing Project

Chair Fast thanked Trustees and staff for facilitating the letter quickly and noted that Senior Intergovernmental Policy Advisor Lisa Wilcox had provided some input and that it was available on the Islands Trust website.

By general consent the meeting recessed at 11:08 am and reconvened at 11:17 am.

8. APPLICATIONS AND REFERRALS

8.1 Denman Island Local Trust Committee Referral Request for Response regarding Bylaw Nos. 241 and 242 - for decision

Regional Planning manager Kauer noted that these bylaws involved Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments for affordable housing developments and that because an OCP amendment was involved, it needed to be referred to the Hornby Island Local Trust Committee (LTC).

HO-LTC-2022-011
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee responds to the Denman Island Local Trust Committee referral request for response regarding Bylaw Nos. 241 and 242 with interests unaffected.

CARRIED

8.2 HO-DVP-2021.2 (Wiig - 3930 Brigantine Crescent, Hornby, BC) - Staff Report - for decision

Planner Mahikwa prepared and presented the staff report which asks Trustees to recommend approval of the application for an increase in the height of an accessory studio building from 6.0 metres to 6.46 metres.

HO-LTC-2022-012
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2021.2 (Wiig).

CARRIED

8.3 HO-DVP-2022.1 (Hornstein - Hornby Island Resort) - Staff Report - for decision

Planner Mahikwa prepared and presented the staff report that recommended that Trustees consider approving the permit to increase the maximum allowable height of two accessory buildings to 7.0 metres and to 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. However, new information coming from K'ómoks First Nation (KFN) has updated the staff recommendation for the LTC to defer decision until the next LTC meeting on May 6, 2022.

Trustees noted that the present notification system is not working well and that they receive many complaints. A neighbor to this development had not received notification.

HO-LTC-2022-013
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request further information prior to making a decision on application HO-DVP-2022.1, specifically information from K'òmox First Nation and neighbors.

CARRIED

8.4 HO-DP-2022.1 (Hornstein - Hornby Island Resort) - Staff Report - for decision

Planner Mahikwa prepared and presented the staff report which asks Trustees to consider approving two amendments to an already existing development permit which would involve changes to the phasing of construction and to the site plan.

Trustee Allen questioned if two covenants from March 22, 2011 between the LTC and the Thatch (Land Title Act Section 219 Document CA209177) on the property were being followed.

- Planner Mahikwa responded that a September 18, 2018 Staff report contained the covenants which obligates that the site incorporate rainwater catchment, green roofs, water conservation fixtures, energy conservation, landscaping, lighting, sewage treatment and recycling.
- Applicant Maris MacDonald responded that the site was adhering to the covenant; many aspects of which would be completed in the landscaping phase of development. He noted that the septic system for the resort was exceptional and exceeds present requirements. He explained that the building phases amendment

was to tighten up the construction schedule and that they had been working with KFN to reduce excavation on the midden site by altering the pub and septic designs.

- Applicant Jack Hornstein noted that they had been in recent and regular contact with Todd Boychuck, Director, Intergovernmental Relations for KFN and had complied with all requests from KFN and the Archaeology Branch.

Trustees expressed concern that KFN might not have been adequately referred.

HO-LTC-2022-014
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2022.1 subject to the conditions imposed therein and subject to receiving a letter from the K'ómoks First Nation with no objection to the proposed changes.

CARRIED

8.5 HO-DVP-2021.3 (Wall and Bixby) - follow up discussion

Chair Fast noted that the item had been addressed in the last LTC meeting of December 10, 2021 under item 9.3.

Regional Planning Manager Kauer noted that although the request to build a pool within the 8.0 metre required setback adjacent to a covenant protected oak grove had been denied at the last meeting, the pool is allowed under existing bylaws if it is situated within required setbacks.

Trustees expressed concern that the property was within very sensitive ecosystems.

HO-LTC-2022-015
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add to the Top Priorities Project of the Comprehensive Official Community Plan Review: development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads.

CARRIED

By general consent the meeting recessed at 12:32 pm and reconvened at 12:46 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project

9.1.1 Advisory Planning Commission Recommendation - Public Use Zoning Correction

Chair Burton described the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land in the area.

HO-LTC-2022-016
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee request staff to review the recommended changes from the Advisory Planning Commission to the current Public Use Zone (a) bylaw wording and determine if there needs to be an administrative correction or a bylaw recommendation.

CARRIED

10. CORRESPONDENCE

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

10.1 Email dated January 1, 2022 from B. Weiss regarding Bylaw No. 170

Received.

10.2 Email dated January 6, 2022 from T. Law regarding Public Use Zoning

Received.

10.3 Email dated December 19, 2021 from S. Chezenko and response regarding Hornby Island Official Community Plan map correction

HO-LTC-2022-017
It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee add the aquifer classification system to the Top Priorities Project of the Official Community Plan Comprehensive Review as described in the email letter from Sadie Chezenko dated December 19, 2021.

CARRIED

11. NEW BUSINESS

11.1 Shoreline Report Briefing - for discussion

Received.

11.2 Ferry Terminal Signage - for discussion

Chair Fast presented to Trustees, two recent Islands Trust installed entry signs, one of Bowen Island and one of Gambier Island. Senior Intergovernmental Policy Advisor Lisa Wilcox, along with First Nations, had been cooperatively involved with the wording and design of the signs. The soon to be released Islands Trust Communications Plan will contain information on signs. It is in the current Reconciliation Action Plan that First Nations are consulted regarding signs.

Trustee Grant offered to bring the sign issue up at the upcoming Ferry Advisory meeting.

Trustee Allen noted that the original Denman/Hornby entry signs had been missing since the new ferry landing comfort buildings were constructed.

Trustees requested that a presentation of the Draft Islands Trust Communications Plan be put on the agenda for next meeting, along with sign input from Senior Intergovernmental Policy Advisor Lisa Wilcox.

12. REPORTS

12.1 Trust Conservancy Report dated November 23, 2021

Received.

12.2 Applications Report dated February 8, 2022

Received.

12.3 Trustee and Local Expense Report dated December, 2021

Regional Planning Manager Kauer noted that the bulk of the budget for the Hornby Healthy Watersheds Initiative was being used for the Freshwater Strategy Project.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

None.

13. WORK PROGRAM

13.1 Top Priorities Report dated February 8, 2022

Chair Fast noted that several items had been added to the Top Priorities Project today.

13.2 Projects List Report dated February 8, 2022

Received.

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, May 6, 2022 - time and location to be determined

Regional Planning Manager Kauer noted recent negative feedback from the public around electronic meetings held earlier than the usual time for in person meetings. Early enough notification of meeting times may mitigate the negative feedback.

Chair Fast noted that the electronic meetings for Denman and Hornby Islands had been moved from 10:30 am to 10:00 am with no negative feedback.

Trustee Scott requested that electronic Hornby LTC meetings go from 9:00 am to Noon.

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:25 pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

DRAFT

Islands Trust

Print Date: April 26, 2022

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2022-003	**Carried**	**21-Mar-2022**

"That Hornby Island Local Trust Committee requests that Hornby Island be excluded from the permit application with respect to Pesticide Use Permit Application Number SPAR-PUP_VI_2022-25."

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: **January 14, 2022**

Location: **Hornby Island Community Hall and by Zoom**
4305 Central Road, Hornby Island, BC

APC Members Present: **Wendy Burton, Chair**
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Rob McCreary, Member by Zoom

Staff Present: **Katherine Vogt, Recorder by Zoom**

Others Present: **April Lewis, Member of the Hornby Island Housing Society**

Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)

Raymond Therrien, Vice President of the Hornby Island Short Term Rental Association (HISTRA)

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She welcomed all members and resource persons and acknowledged that the meeting was being held on the traditional territory of the Kòmoks First Nation and Pentlatch People. She noted that the meeting was a hybrid combination of in person and Zoom attendance. Quorum was achieved with 3 members of the Advisory Planning Commission (APC) attending in person.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated November 26, 2021

By general consent, the minutes were adopted.

Chair Burton welcomed Recorder Katherine Vogt by Zoom at 1:10 pm.

4. BUSINESS ITEMS

a. Dingman report

APC members had recently received, by email, information from Bylaw Enforcement Officer Warren Dingman regarding the extent of illegal housing and short-term vacation rental (STVR) infractions on Hornby Island.

b. HISTRA resource person

Chair Burton explained the present APC housing referral to new Resource Persons Raymond Therrien, Vice President of HISTRA and Rudy Rogalsky, the Hornby Island resident and Ratepayers' Association (HIRRA) appointee to the HICEEC Board.

Rudy Rogalski spoke on the problem of future possibilities for local housing being hampered by existing bylaws.

Raymond Therrien spoke on behalf of HISTRA and about his experiences as a local property manager.

5. REPORT ON LTC MEETING OF DECEMBER 10, 2021

a. APC Terms of Appointment

Chair Burton noted that planners had recently recommended to the Local Trust Committee that present APC appointees, whose terms expire on March 31, 2022, be offered the opportunity to be reappointed for another two -year term; and, that a notice for expressions of interest be posted for community members who may wish to be appointed to the APC. Presently, the APC has 5 members, but it allows up to 7 members.

b. Draft Business Case: Kauer memo to LTC December 10, 2021

Chair Burton noted that Regional Planning Manager Kauer was putting forth a business case for $15,000 to hire a consultant to write the bylaws needed for future APC recommended changes to existing bylaws. If the business case is approved, the money will be available April 1, 2022. It was feasible that APC recommendations could be brought to Trustees for their April business meeting.

6. DISCUSSION; PRELIMINARY SUGGESTIONS FOR RECOMMENDATIONS ON OCP AND LUB: HOUSING AND SHORT-TERM RENTALS

Chair Burton noted that at the last APC meeting, APC members and resource persons had each chosen 2 or 3 housing issues to work on as homework for the next meeting. All members and Resource Person April Lewis were invited to present their findings.

7. NEXT STEPS

APC Members chose specific housing documents to focus on as homework for next meeting. Resource Persons were encouraged to skim all the housing documents for relevant information.

8 CONFIRM MEETING OF JANUARY 28, 2022

The next meeting date will be January 28, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall.

8 FEBRUARY MEETING DATES

The February meeting dates will be February 11, 2022 and February 25, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall

10. ADJOURNMENT

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

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: January 28, 2022

Location: Hornby Island Community Hall and by Zoom
4305 Central Road, Hornby Island, BC

APC Members Present: Wendy Burton, Chair
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Rob McCreary, Member by Zoom

Staff Present: Katherine Vogt, Recorder by Zoom

Others Present: April Lewis, Member of the Hornby Island Housing Society

Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)

Darren Bond, Hornby Water Stewardship

Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:02 pm. She acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People and the Kòmoks First Nation. She welcomed all members, staff and resource persons and noted that the meeting was a hybrid combination of in person and Zoom attendance. Quorum was achieved with 3 members of the Advisory Planning Commission (APC) attending in person.

2. APPROVAL OF AGENDA

The following items were presented for consideration to add to the agenda:

- Replace item 5 with 'Correcting Part 8.21(1) of the Hornby Island Land Use Bylaw No. 150.'
- Replace item 6 with 'Discussion of Unused Housing.'
- Move original items 5, 6, 7 and 8 forward.

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated January 14, 2022

By general consent, the minutes were adopted.

Chair Burton noted that resource people were receiving APC agendas and minutes and could request that specific information be included in the minutes.

4. BUSINESS ARISING

Chair Burton reported that the APC was presently over budget by $465.00 due to the costs of minute taking. However, as the APC budget is within a greater Local Trust Committee (LTC) budget of $3300.00 for fiscal 2021/2022 that is still in the black, and as the LTC supports the present APC process, this spending should not be a problem.

Chair Burton reported that Bylaw Enforcement Manager Warren Dingman had recently sent by email the following information to the APC regarding open bylaw enforcement files on Hornby Island:

- There are currently 11 open files for short term vacation rentals (STVR) with eight of those opened in 2019 or after.
- 13 files opened in 2021 have been closed.
- Prior to proactive enforcement there were only six STVR files that were created for Hornby Island. Four of them are now closed.
- Currently there are 10 files open for unlawful dwellings with five open since 2019 and the last opened on July 25, 2021.

Chair Burton noted that this most recent email from Warren Dingman would be added to the public record.

5. CORRECTING PART 8.21(1) of the HORNBY ISLAND LAND USE BYLAW No. 150

Chair Burton noted that due to a longstanding error of omission first noted by the Local Trust Committee (LTC) in February of 2018, Section 8.21(1) of the Hornby Island Land Use Bylaw (LUB) No. 150 regarding the Site-Specific Public Use PU(a) zone excludes any housing activity and the activities at The Hornby Spark as permitted activities. The error could be rectified by the addition of 'Community Trade and Services including Associated Retail' to the Site-Specific PU(a).

APC members agreed to a fast-tracked recommendation without motion, and by consensus, to the LTC for their February, 2022 meeting, for the LTC to correct the clerical omission as soon as possible by adding 'Community Trade and Services including Associated Retail' to the Site-Specific PU(a).

6. DISCUSSION OF UNUSED HOUSING

Rudy Rogalsky spoke on the circumstance of a substantial number of housing units on Hornby Island being unoccupied and unused due to the property owners' fear of

breaking the law by renting out such units and their reluctance to reveal the existence of such units. Streamlining of Temporary Use Permits (TUP) to legitimize secondary dwellings is a possible solution.

7. DISCUSSION

Chair Burton invited all APC members and Resource Person April Lewis, to summarize and present the housing documents they had recently chosen from a compilation of 23 housing documents, to study in greater depth.

8. NEXT STEPS

APC members agreed to work on brainstorming housing and STVR recommendations for the next meeting. Chair Burton invited Resource Persons to bring general housing and STVR recommendations to the next meeting.

9. NEXT MEETING

The next meeting will be February 11, 2022 at the Hornby Island Community Hall between 1:00 and 3:00 pm.

10. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

DRAFT

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**February 11, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member by Zoom**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**April Lewis, Member of the Hornby Island Housing Society** **Sadie Chezenko, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)**

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:05 pm. She gratefully acknowledged that the meeting was being held on the unceded territory of the Kòmoks First Nation and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated January 28, 2022

By general consent, the minutes were adopted.

4. BUSINESS ARISING

Chair Burton reported that she had recently sent a letter of recommendation from the Advisory Planning Commission (APC) to Local Trust Committee (LTC), to ask that the LTC correct, as soon as possible, an error of omission regarding Section 8.21(1) of the Hornby Island Land Use Bylaw No. 150. In its current uncorrected form, the Bylaw does not legally permit the activities of The Hornby Spark or housing activity.

All APC members had previously come to agreement by email with the forwarding of this fast-tracked recommendation to the LTC except for one member who consented to it at the present meeting; and suggested that the entire section needed clarification and rewriting. Chair Burton responded that this suggestion could become one of the final recommendations to the LTC.

Secretary Ovitsland reported on a recent discussion with Bylaw Enforcement Officer, Daniel Schneider, regarding current activities and plans for enforcement measures on Hornby Island. Proactive enforcement of Short-Term Vacation Rentals (STVR)s was ongoing through surveillance of internet advertising; but site visits had been limited by a directive from Islands Trust and it was not known when that directive would change.

5. PRELIMINARY DISCUSSION OF RECOMMENDATIONS ON HOUSING AND SHORT-TERM RENTALS TO LOCAL TRUSTEES

Chair Burton invited everyone present at the meeting to participate in a brainstorming session to generate ideas for recommendations on housing and STVRs to local Trustees. She noted that the final formal APC recommendations, if adopted, would be crafted into bylaw language by outside professionals, so informal language was appropriate for brainstorming. She asked everyone to refrain from debate or criticism so that as many ideas as possible could be presented. Debate would be welcome at a later point in the process.

Chair Burton noted that land use bylaw changes apply to new properties and businesses while allowing for existing homes and businesses to maintain legal non-conforming status.

The brainstorming session ended at 2:33 pm for participants to walk around and review 41 proposed recommendations written on large sheets of newsprint.

Chair Burton reconvened the meeting at 2:39 pm.

6. NEXT STEPS

Chair Burton offered to transcribe the proposed recommendations as presently written into a word document to review before the next meeting. APC members agreed to each review the document and to each work on organizing, prioritizing, eliminating, and grouping the proposed recommendations. Members and resource persons were invited to use their own or another actual property, with identifying information excluded, as

an example property to illustrate how various of the proposed recommendations might apply.

APC members invited Patrick Lui to bring the informal, tentative, proposed recommendations to the HISTRA board for feedback and to explain to the board that changes to land use bylaws apply to new properties and businesses while existing properties and businesses can maintain legal non-conforming status.

Chair Burton thanked all resource persons for strengthening the APC process of gathering housing and STVR recommendations.

7. NEXT MEETING FEBRUARY 28, 2022

The next meeting was changed from February 28, 2022 to February 25, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall. The following meeting will be on March 18, 2022.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 2:57 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: **February 25, 2022**

Location: **Hornby Island Community Hall and by Zoom**
4305 Central Road, Hornby Island, BC

APC Members Present: **Wendy Burton, Chair**
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Rob McCreary, Member by Zoom

Staff Present: **Katherine Vogt, Recorder by Zoom**

Others Present: **April Lewis, Member of the Hornby Island Housing Society**

Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)

Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:03 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following item was considered for addition to the agenda:

- item b.) Local Trust Committee Meeting under item 4. a.).

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated February 11, 2022 for adoption.

By general consent, the minutes were adopted.

4. BUSINESS ARISING

a.) Bylaw Enforcement Processes

Secretary Ovitsland spoke on the need for equity and fairness regarding proactive bylaw enforcement.

b.) Local Trust Committee

Chair Burton reported that at the last Local Trust Committee (LTC) meeting of February 18, 2022, Trustees had thanked the Advisory Planning Commission (APC) and resource persons for their recent work; had maintained the current APC referral as a top priority; and had decided the following:

- to defer decision on the new Fees Bylaw No. 169 until the next LTC meeting on May 6, 2022 to give the APC more time to consider it.
- to request that planning staff determine if the clerical error in the Hornby Island Land Use Bylaw 150 Section 8.21(1) Public Use Zone (a) which precludes The Hornby Spark from operating in their present location and precludes the possibility for multi-family dwellings on a piece of community land is administrative or would involve a bylaw amendment.
- to add to the APC riparian areas referral: environmentally sensitive aquifer zones and errors in the way such zones have been previously mapped.
- To add to the APC riparian areas referral: investigation of swimming pool and other development impacts on slope stability in the area between Euston and Central Roads.

5. DISCUSSION OF BRAINSTORM DOCUMENT: HOUSING AND STR

Rudy Rogalsky offered that the Hornby Island Community Economic Enhancement Corporation (HICEEC) board would be creating a policy statement around housing at a special board meeting that would be sent to Chair Burton.

Patrick Lui offered to send to Chair Burton a copy of his notes of comments and concerns on the draft housing and STR recommendations that the Hornby Island Short Term Rental Association (HISTRA) board members had recently expressed.

APC members and resource persons proceeded to work on, through discussion, eliminating or categorizing each of the 41 brainstormed housing and STR draft recommendations into one of the following 7 categories: Housing – Density; Short Term Rentals; Temporary Use Permits; Administrative; Zoning; Definitions; and Advocacy.

6. NEXT STEPS

Chair Burton offered to send to every APC member and resource person a new document itemizing all 41 draft recommendations, with eliminated recommendations highlighted and saved recommendations categorized, so that APC members could begin to focus on final recommendations. APC members and resource persons were invited to send recommendation responses directly to the Chair to be included in a final recommendations draft from which Chair Burton and Member Bale would write preliminary final recommendations for APC consideration at the next meeting.

April Lewis offered that she would wait for the refined draft recommendations document to share with members of the Hornby Island Housing Society for their input for the APC.

7. NEXT MEETING MARCH 18, 2022

The next meeting will be on March 18, 2022 at 1:00 to 3:00 pm at the Hornby Island Community Hall.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	**March 18, 2022**
Location:	**Hornby Island Community Hall and by Zoom** **4305 Central Road, Hornby Island, BC**
APC Members Present:	**Wendy Burton, Chair** **Vicki Bale, Deputy Chair** **Joanne Ovitsland, Secretary by Zoom** **Christine Amabilino Hunt, Member by Zoom** **Rob McCreary, Member**
Staff Present:	**Katherine Vogt, Recorder by Zoom**
Others Present:	**Sadie Chezenko, Member of the Hornby Island Housing Society** **Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)** **Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)** **Approximately two (2) members of the public**

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:06 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following items were considered for addition to the agenda:

- Retitle Item 4 as Business Arising; move 4 a.) to 4 b.) and make 4 a.) Visitor Accommodation at the Thatch.
- Under Item 5, add 5 a.) Discussion of Housing and STR Draft Recommendation Email Responses
- Under Item 5 a.), add 5 b.) Discussion of Housing and STR Draft Recommendations.

By general consent, the agenda was approved as amended.

Chair Burton noted that masks were no longer provincially mandated for public meetings.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated February 25, 2022 for adoption.

By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

a.) Visitor Accommodation at the Thatch

Chair Burton reported on a recent informal discussion with Regional Planning Manager, Heather Kauer regarding the visitor accommodation designation for the condominiums being developed at the Thatch, noting the following:

- Visitor accommodation is a defined term governed by already existing regulations for short term rentals (STR)s.
- There is a section in the Land Use Bylaws (LUB)s specifically for the Hornby Island Resort which includes the Thatch, and these bylaws may need to be revised.
- The Thatch condominiums are being developed for private sale.

b.) Municipal and Regional District Tax on Hornby Island

Rudy Rogalsky, member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC), gave a presentation on the Municipal and Regional District Tax (MRDT) initiative, also called a pillow tax, being introduced on Hornby Island, noting the following:

- In 2018 the MRDT program changed from being primarily a tourist promotion revenue source to allowing for the use of revenues from online accommodation platforms to be used for affordable housing initiatives.
- HICEEC applied for the right to receive and use the collected MRDT taxes in 2018 after approval by the Comox Valley Regional District (CVRD).
- HICEEC consulted with 6 primary tourism stakeholders on Hornby Island as per the MRTD application regulations that required HICEEC to develop a 5-year plan and a 1- year plan to be approved by Destination BC.
- Estimates of revenue from the tax on Hornby Island ranges from $50,000 to $90,000 dollars, to be remitted to HICEEC monthly, with some of the money to go towards summer workers housing and a portion possibly being used for tourist promotion.

5. DISCUSSION OF DRAFT RECOMMENDATIONS: HOUSING AND STR

a.) Discussion of Housing and STR Draft Recommendation Email Responses

Chair Burton noted that three emailed documents were received after the third draft of the housing and STR recommendations was completed: one from Patrick Lui, Secretary of the Hornby Island Short Term Rental Association

(HISTRA), dated March 15, 2022, which contained the notes of HISTRA member responses to the APC draft housing and STR recommendations, expressed at their March 14, 2022 board meeting; one from the Hornby Island Housing Society (HIHS) dated March 16, 2022 containing general recommendations for affordable housing; and one from Rudy Rogalsky, representing HICEEC, regarding recent government approval of the new MRDT Hornby Island pillow tax dated March 2, 2022.

Chair Burton honored that the Hornby Island Official Community Plan (OCP) represents the best thinking of the local community at the time it was created and last reviewed in 2014.

b.) Discussion of Housing and STR Draft Recommendations

Chair Burton noted that if any of the Advisory Planning Commission (APC) recommendations moved forward to be crafted into bylaw language, the APC would have no authority over their final iteration, nor would the APC be allowed a voice at the community consultation portion of the bylaw process.

APC members discussed the third draft of the housing and STR draft recommendations.

6. NEXT STEPS

Chair Burton noted that Member Amabilino Hunt would not be seeking to stay on past the term of her appointment at the end of March and thanked her for her wonderful contributions to the APC.

Chair Burton noted that the agenda deadline for the next Local Trust Committee meeting of May 6, 2022 was April 15, 2022.

7. NEXT MEETING

The next meeting will be on March 29, 2022 at 2:00 to 4:00 pm at the Hornby Island Community Hall.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 3:00 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: **March 29, 2022**

Location: **Hornby Island Community Hall and by Zoom**
4305 Central Road, Hornby Island, BC

APC Members Present: **Wendy Burton, Chair**
Vicki Bale, Deputy Chair by Zoom
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Rob McCreary, Member

Staff Present: **Katherine Vogt, Recorder by Zoom**

Others Present: **Sadie Chezenko, Member of the Hornby Island Housing Society**

Rudy Rogalsky, Member of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC)

Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA)

Approximately one (1) member of the public

1. CALL TO ORDER AND WELCOME

Chair Burton called the meeting to order at 1:00 pm. She gratefully acknowledged that the meeting was being held on the traditional territory of the Kòmoks and Pentlatch People. She welcomed everyone at the meeting.

2. APPROVAL OF AGENDA

The following items were considered for addition to the agenda:

- Move item 4 to item 4.2. Replace item 4. With Business Arising; add item 4.1 Municipal Regional District Tax on Hornby Island.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated March 18, 2022 for adoption.
By general consent, the minutes were adopted as presented.

4. BUSINESS ARISING

4.1 Municipal Regional District Tax on Hornby Island

Secretary Ovitsland reported on the recently approved Municipal Regional District Tax (MRDT) for Hornby Island, administered by the Hornby Island Community Economic Enhancement Corporation (HICEEC), noting the following information contained within the Tactical Plan Budget on the HICEEC website:

- $90,000 yearly estimated revenue to be raised from the Hornby MRDT.
- The $90,000 revenue is divided in the expenses portion of the budget between the following items: $20,000 for Consumer Shows; $25,000 for Administration; $5,000 for Visitor Outreach; $10,000 for Research; $30,000 for Housing.

4.2 Recommendations to LTC: Housing and STR

Advisory Planning Commission (APC) members discussed their sixth draft of Housing and Short Term Rentals (STR) Recommendations dated March 18, 2022, consisting of four pages of recommendations for the Local Trust Committee for consideration at their upcoming business meeting on May 6, 2022. Chair Burton clarified that the referral the APC was given did not include all housing on Hornby Island, only housing associated with STRs.

APC members came to agreement on the sixth draft recommendations document by consensus.

APC members agreed for Chair Burton to write a preamble and explanations for inclusion with the sixth draft recommendations document and to send it to Secretary Ovitsland for approval within the next two days, after which it would be presented to local Trustees at their May 6, 2022 Local Trust Committee (LTC) business meeting by Chair Burton acting as a delegate for the APC.

Chair Burton noted that the APC term was ending at the end of the present month and that the new term would not be initiated until after the next LTC meeting. She thanked APC members and resource persons for their contributions to the completion of the STR housing portion of the ongoing APC referral.

5. ADJOURNMENT

By general consent, the meeting was adjourned at 2:29 pm.

_____
Wendy Burton, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

Islands Trust

Print Date: April 26, 2022

Follow Up Action Report

Hornby Island

05-Apr-2019

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

24-May-2019

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

Follow Up Action Report

Hornby Island

24-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island. *Update: Currently no planner available to hold planner hours prior to LTC meetings.*	Wil Cottingham		Completed
2 Add to the Hornby webpage under 'Resources' - Planner hours, Conservancy Profile, APC Resolution. *No planner available to hold planner hours prior to LTC meetings. LTA Conservancy Profile at bottom of every LTA home page on new website.*	Sonja Zupanec Wil Cottingham		Completed

10-Dec-2021

Activity	Responsibility	Dates	Status
1 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. Update: Postponed per the request of the APC Chair.	Heather Kauer Penny Hawley		Completed

Islands Trust

Print Date: April 26, 2022

Follow Up Action Report

Hornby Island

18-Feb-2022

Activity	Responsibility	Dates	Status
1 LTC requests staff create a power point that describes Islands Trust and it's authority with approximately 30 slides	Clare Frater		In Progress
2 The LTC defers consideration of the model fees bylaw until their next meeting, May 6, 2022 to allow consideration of APC referral comments.	Becky McErlean Heather Kauer		In Progress
3 The LTC determined that their interests were unaffected by the Denman bylaw referral related to the Denman Green Housing application.	Becky McErlean Sonja Zupanec		Completed
4 The LTC delayed issuance of HO-DVP-2022.1.	Becky McErlean Teresa Mahikwa		In Progress
5 The LTC approved HO-DP-2022.1 subject to receipt of a letter from KFN indicating no objection.	Becky McErlean Penny Hawley Teresa Mahikwa		In Progress

STAFF REPORT

File No.: 6500-20: 2021-22 Fees Bylaw

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 Hornby Island Local Trust Committee Bylaw No. 169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be read a first time.**

2. **That Hornby Island Local Trust Committee Bylaw No. 169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be read a second time.**

3. **That Hornby Island Local Trust Committee Bylaw No. 169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be read a third time.**

4. **That 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 Development Variance Permit in respect of a residential development	Not in Model	$715
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

ATTACHMENTS

1. Draft Bylaw No. 169

DRAFT

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.

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

Islands Trust

STAFF REPORT

DATE OF MEETING:	May 6, 2022
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Office
SUBJECT:	Repeal and Replacement of the Hornby Island Siting and Use Permit Bylaw

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee Bylaw No. 168 cited as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw 168, 2021", be read a first time.**

2. **That the Hornby Island Local Trust Committee Bylaw No. 168 cited as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw 168, 2021", be read a second time.**

3. **That the Hornby Island Local Trust Committee Bylaw No. 168 cited as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw 168, 2021", be read a third time.**

4. **That the Hornby Island Local Trust Committee forward draft Bylaw No. 168 cited as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw 168, 2021" to the Islands Trust Executive Committee for approval.**

REPORT SUMMARY

The original Hornby Island Siting and Use Permit bylaw was adopted in 1990. Staff are recommending some housekeeping amendments to modernize it. Staff are also recommending that in cases where a building or structure is proposed to be sited within one metre of the required setback, site plans submitted with the application should be drafted by a surveyor.

BACKGROUND

Staff are recommending three changes to the Hornby Island Siting and Use Permit bylaw:

1. Outdated references to be updated;
2. Reference to an attached application form to be removed; and
3. The addition of a requirement that a site plan drafted by a surveyor be submitted with the application when a building or structure is proposed to be located within 1 metre of the required setback.

The draft bylaw is included as Attachment 1, and for comparison, a track changes version of the bylaw is included as Attachment 2.

At their October 8, 2021 meeting, the LTC passed the following resolution:

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

ANALYSIS

Housekeeping

The Hornby Island Siting and Use Permit bylaw has outdated references to Provincial Legislation. The proposed bylaw would update these references. In addition, when the Siting and Use Permit bylaw was originally adopted, there was a particular application form that was used and that form was attached to and adopted as part of the bylaw. Islands Trust no longer uses the form attached to the original bylaw. Current best practice also dictates that forms not be attachments to bylaws making them simpler to amend and update when necessary. The proposed bylaw eliminates reference to this form.

Site plans – drafting

For most application types within the Islands Trust, one of the application requirements is "a Site Survey completed by a registered BC Land Surveyor (BCLS)," so it isn't an unusual requirement, even within the Trust. However, none of the Hornby bylaws currently require that a site plan submitted with a Siting and Use Permit application form be professionally drafted. Applicants have the option of drafting the site plans themselves. While this minimizes the cost of the application process for the applicant, this situation is challenging for a number of reasons:

1. **Applicant error:** Often applicants are not experienced in drafting site plans so provide plans that are missing relevant information or provide information that proves inaccurate after the Planner reviews the application. This causes a situation in which the Planner asks for revised site plans multiple times from the applicant. This is a common scenario, occurring with approximately 85% of the Siting and Use Permit applications we receive. The fee associated with siting and use permit applications ($220) doesn't typically cover the cost associated with the hours that planners spend asking for and reviewing updated site plans from inexperienced applicants.

2. **Lack of verification:** Without professional measurements, site plans submitted by applicants are at best a good guess at the location of buildings and structures. Planners aren't professional surveyors either and aren't able to definitively determine whether buildings and structures actually meet the setback or lot coverage requirements of the Hornby Island Land Use Bylaw. This undermines the whole purpose of the bylaw and permitting process. Conversely, if a site plan is drafted by a professional, staff can be reasonably sure that the site plan is accurate and determine if the proposal meets the bylaw requirements.

The most reliable way for staff to ensure that proposed development on Hornby Island is consistent with the Hornby Island Land Use Bylaw when reviewing a Siting and Use Permit application would be to require a site survey with every application. This is standard practice in most if not all other jurisdictions in British Columbia.

However, staff understand the logistical and financial challenges of getting a surveyor to Hornby Island. With this understanding, staff's recommended bylaw proposes to only require a site survey in cases where the buildings or structures are proposed to be one metre or less from a required setback. As an illustration, consider the following table:

Required Setback	Proposed setback	Needs a Survey?
15 metres from Natural Boundary of the Sea	16.5 metres	No
	15.5 metres	Yes
8 metres from front lot line	9 metres	No
	8.5 metres	Yes

CRD Language:

Staff found that, consistent with the B.C. building code, the CRD building bylaw states that accessory buildings less than 10 m² in size do not require a building permit. However, staff were unable to find language in the CRD bylaw that spoke to site plans with relation to accessory buildings.

The LTC will note that the current and proposed Hornby Siting and Use Permit bylaws are consistent with the intent of the CRD building bylaw in the sense that buildings less than 10 m² do not require a Siting and Use Permit. Staff are not proposing to change this provision of the bylaw.

Consultation:

No public consultation is required or recommended for this draft amendment bylaw.

Options:

The LTC has a few options beyond the recommendations of staff. Potential motions for these options are listed in the Alternatives section of this staff report below. Specific options contemplated by staff are as follows:

1. **Decline to require a survey with any application:** The LTC has the option of only amending the bylaw with the "housekeeping" items identified by staff. The result of not requiring a survey for any application will be continued staff time spent trying to obtain an accurate site plan from applicants and lack of assurance that proposed development is compliant with the Hornby Island Land Use Bylaw.

2. **Require a survey with every application:** The LTC has the option of requiring a professionally drafted site survey with every application. This would be the most effective way to ensure that every application meets the provisions of the Hornby Island Land Use Bylaw. As of the writing of this report, it's estimated

that depending on the complexity of a survey, the average cost of a survey across Canada is in the range of $380 to $540[1].

3. **Conduct public consultation:** The LTC has the option of requesting staff to undergo some form of public consultation for this bylaw. As this amendment process is not an LTC "project," staff would anticipate that a process of this nature would be minimal; likely in the form of the draft bylaw being posted to the Islands Trust website and an advertisement posted in local publication(s) requesting comment during a defined comment period.

Rationale for Recommendation:

Housekeeping amendments to the existing bylaw would update references to appropriate Provincial legislation and to Islands Trust's current application processes and forms. Requiring a site plan to be drafted by a surveyor in cases where a building or structure is too close to setbacks for staff to determine whether bylaw provisions are being met would reduce staff processing time and further the mandate of the Trust, without unreasonable cost to most applicants. Staff recommends giving Bylaw No. 168 three readings and forwarding to the Islands Trust Executive Committee for adoption.

ALTERNATIVES

1. **Adopt housekeeping amendments only**

   The LTC may wish to amend the Hornby Island Siting and Use Permit bylaw by only addressing housekeeping amendments and not requiring a survey for any application. If the LTC chooses this option, a proposed motion would be:

   That the Hornby Island Local Trust Committee request staff amend draft Hornby Island Siting and Use Permit Bylaw No. 168, 2021 by excluding any requirements for site surveys and bringing back an amended draft bylaw for consideration at a future meeting.

2. **Require site surveys drafted by a BCLS surveyor for every Siting and Use Permit application**

   The LTC may wish to require a survey with each siting and use permit application. If this option is chosen, a proposed motion would be:

   That the Hornby Island Local Trust Committee request staff amend draft Hornby Island Siting and Use Permit Bylaw No. 168, 2021 by including a requirement that all applications include a site survey drafted by a BC land surveyor and bringing back an amended draft bylaw for consideration at a future meeting.

3. **Seek public comment on draft bylaw prior to 2nd reading**

   The LTC may wish to only give the proposed bylaw first reading and seek public comment. If this option is chosen, the LTC would pass an amended version of recommendation number two of this report to only include first reading and also submit the following motion:

   That the Hornby Island Local Trust Committee request staff post the first reading draft of Hornby Island Siting and Use Permit Bylaw No. 168, 2021 on the Islands Trust website and advertise a six week comment period.

[1] https://homeguide.com/costs/land-survey-cost

NEXT STEPS

Should the LTC decide to give this draft bylaw all three readings, staff have also recommended that the LTC forward the bylaw to the Executive Committee for approval.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	April 15, 2022

ATTACHMENTS

1. Draft Hornby Island Siting and Use Permit Bylaw No. 168, 2021
2. Track changes version of Bylaw No. 52

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

A BYLAW TO REQUIRE AND DEFINE PROCEDURES FOR APPLICATION FOR SITING AND USE PERMITS IN COMPLIANCE WITH HORNBY ISLAND OFFICIAL COMMUNITY PLAN NO. 149, 2014 AND HORNBY ISLAND LAND USE BYLAW NO. 150, 2014.

WHEREAS the Hornby Island Local Trust Area is not subject to a requirement established under Division 1 of Part 9 of the *Local Government Act* that building permits be obtained for construction;

AND WHEREAS the Hornby Island Local Trust Area is subject to Land Use Bylaw No. 150, 2014 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Hornby Island Trust Committee being the 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*, R.S.B.C. 1996, enacts as follows:

1. Title

This bylaw may be cited for all purposes as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw No. 168, 2021".

2. Bylaw Repeal

Bylaw No. 52 cited as “Hornby Island Siting and Use Permit Bylaw No. 52, 1990” and all of its amendments are repealed.

3. Requirement

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit for the construction of a freestanding building or structure with a gross floor area of ten square metres or more or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

4. Application

This bylaw shall apply to Hornby Island, Toby Island, Flora Islet, Norris Rocks, and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

5. Interpretation

In this bylaw definitions contained in Section 1.1 of the Land Use Bylaw apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section 6 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

6. Administration

6.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.

6.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.

6.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than $1000.00.

7. Application Procedures

7.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.

7.2 An application for a permit shall include a site plan prepared by a British Columbia land surveyor and be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.

7.3 The requirement for a site plan prepared by a British Columbia land surveyor under section 7.2 is waived where the proposed location of the building or structure is more than one metre beyond all minimum setbacks where the Hornby Island Local Trust Committee land use regulations establish siting requirements related to setbacks.

7.4 A permit may be issued only if the construction and use of land and structures to which it relates complies with the applicable land use bylaw.

8. Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS	___ ST	DAY OF	_____	, 20XX
READ A SECOND TIME THIS	___ ND	DAY OF	_____	, 20XX
READ A THIRD TIME THIS	___ RD	DAY OF	_____	, 20XX
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	___ XX	DAY OF	_____	, 20XX
ADOPTED THIS	___ XX	DAY OF	_____	, 20XX

_____ _____

SECRETARY CHAIRPERSON

HORNBY ISLAND

SITING AND USE PERMIT BYLAW NO. ~~52~~168

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

Certified copies of the Siting and Use Permit Bylaw are available from the Islands Trust Office, 2nd Floor, 1627 Fort Street, Victoria, BC V8R 1H8

Consolidated ~~August, 2004~~

BYLAW AMENDMENTS

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

Bylaw Number	Amendment Number	Adoption Date
~~Bylaw No. 58~~	~~Amendment No. 1, 1990~~	~~September 14, 1990~~
~~Bylaw No. 146~~	~~Amendment No. 1, 2002~~	~~April 26, 2002~~
~~Bylaw No. 160~~	~~Amendment No. 1, 2003~~	~~December 17, 2003~~

HORNBY ISLAND TRUST COMMITTEE
BYLAW NO. ~~52~~168

****
*

A Bylaw to Require and Define Procedures for Application for Siting and Use Permits in compliance with Hornby Island Official Community Plan No. ~~35~~149, ~~1987~~ 2014 and Hornby Island Land Use Bylaw No. ~~40~~150, 2014~~1989~~.

****

WHEREAS the Hornby Island Local Trust Area is not subject to a requirement established under ~~Part 21 of the *Municipal Act*~~Division 1 of Part 9 of the *Local Government Act* that building permits be obtained for construction;

AND WHEREAS the Hornby Island Local Trust Area is subject to Land Use Bylaw No. ~~40~~150, ~~1989~~ 2009 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Hornby Island Trust Committee being the 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*, R.S.B.C. ~~1989~~1996, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Hornby Island Trust Committee Siting and Use Permit Bylaw No. ~~52~~168, ~~1990~~2021".

2. Bylaw Repeal

Bylaw No. 52 cited as “Hornby Island Siting and Use Permit Bylaw No. 52, 1990” and all of its amendments are repealed.

~~3~~2. Requirement

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit for the construction of a freestanding building or structure with a gross floor area of ten square metres or more or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

~~4~~3. Application

This bylaw shall apply to Hornby Island, Toby Island, Flora Islet, Norris Rocks, and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

~~5~~4. Interpretation

In this bylaw definitions contained in Section ~~2.1~~ 1.1 of the Land Use Bylaw No. ~~37~~150, ~~1988~~ 2014 apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section ~~5~~ 6 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

~~5~~6. Administration

BL 58

~~5~~6.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.

~~5~~6.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.

~~5~~6.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than $1000.00.

~~6~~7. Application Procedures

~~6~~7.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.

~~6~~7.2 An application for a permit shall include a site plan prepared by a British Columbia land surveyor and be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.

~~(a) be submitted to the Islands Trust office on the form prescribed in Appendix 1 of this bylaw;~~

~~(b) not be considered a valid application until it contains all the information required by the form; and~~

~~BL 146~~

~~(c) include the fees required by Denman~~Hornby ~~Island Trust Committee Fees Bylaw.~~

~~6~~7.3 The requirement for a site plan prepared by a British Columbia land surveyor under section 7.2 is waived where the proposed location of the building or structure is more than one metre beyond all minimum setbacks where the Hornby Island Local Trust Committee land use regulations establish siting requirements related to setbacks.

7.4 A permit may be issued only if the construction and use of land and structures to which it relates ~~does comply~~complies with the applicable land use bylaw.

~~7~~8. Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS	day of	, 2021
READ A SECOND TIME THIS	day of	, 2021
READ A THIRD TIME THIS	day of	, 2021
ADOPTED THIS	day of	, 2021

SECRETARY CHAIRPERSON

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 166

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. Citation

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

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

READ A FIRST TIME THIS	26TH	DAY OF	MARCH	, 2021
READ A SECOND TIME THIS	16TH	DAY OF	JULY	, 2021
PUBLIC HEARING HELD THIS	8TH	DAY OF	OCTOBER	, 2021
READ A THIRD TIME THIS	8TH	DAY OF	OCTOBER	, 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

27TH DAY OF OCTOBER , 2021

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

17TH DAY OF FEBRUARY , 2022

ADOPTED THIS _____ DAY OF _____ , 202x

_____ _____

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 166
Schedule "1"

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

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

"A minimum lot size should be established within the Land Use Bylaw regulations for a lot that may be subdivided pursuant to section 514 of the *Local Government Act* (subdivision to provide residence for a relative) so as to uphold the objectives of the applicable designation in this Plan."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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).

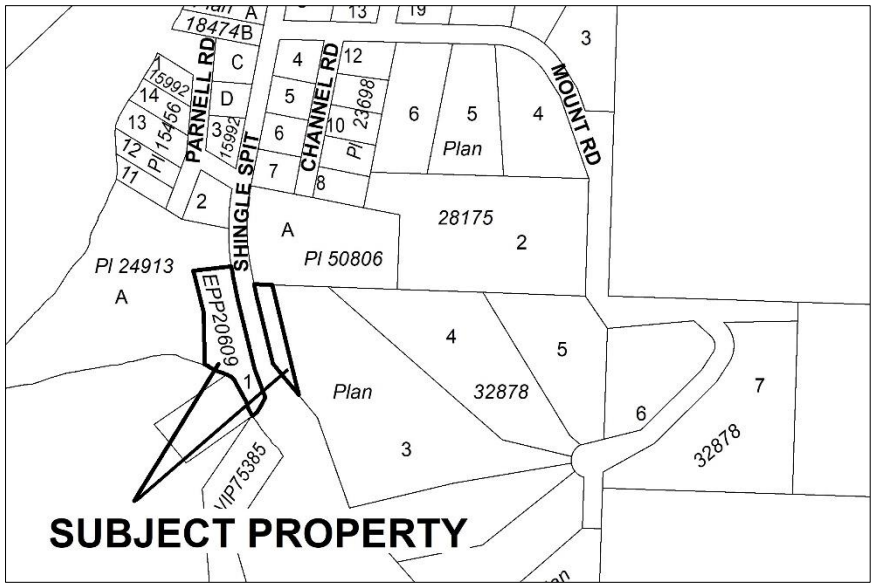


Figure 1. Subject property map

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 Frist 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.**

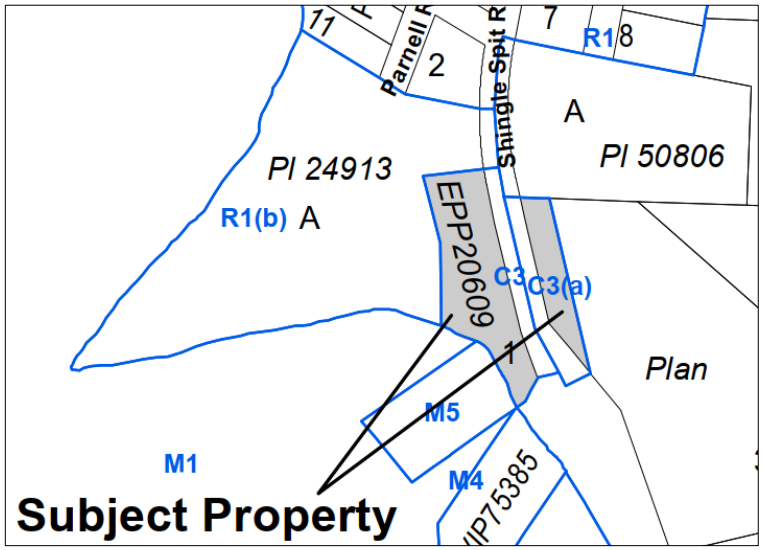
HO-DVP-1982.32	
HO-DVP-1989.15	Accessory building, tennis court.
HO-DVP-1989.32	
HO-DVP-1991.18	Proposed commercial building with second floor residential use, accessory building, laundromat with second floor visitor accommodation unit, parking, and extension of deck and patio into water lot 434.
HO-DVP-2012.2	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.*

	6.5.1.12 *To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.* ***6.5.2 Visitor Accommodations and Tourism*** ***6.5.2.1*** *Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.* ***6.5.2.2*** *"Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.* ***6.5.2.5*** *Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:* *a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and* *b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.* ***6.7.1 Foreshore*** *6.7.1.1 Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.* ***6.7.1.4*** *Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.* ***6.8 Climate Change Adaptation and Mitigation*** ***6.8.5*** *This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.* 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** Objective: 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.**

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:

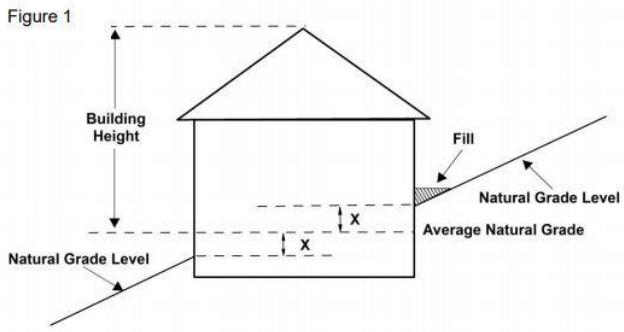
3.3 (7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.

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)

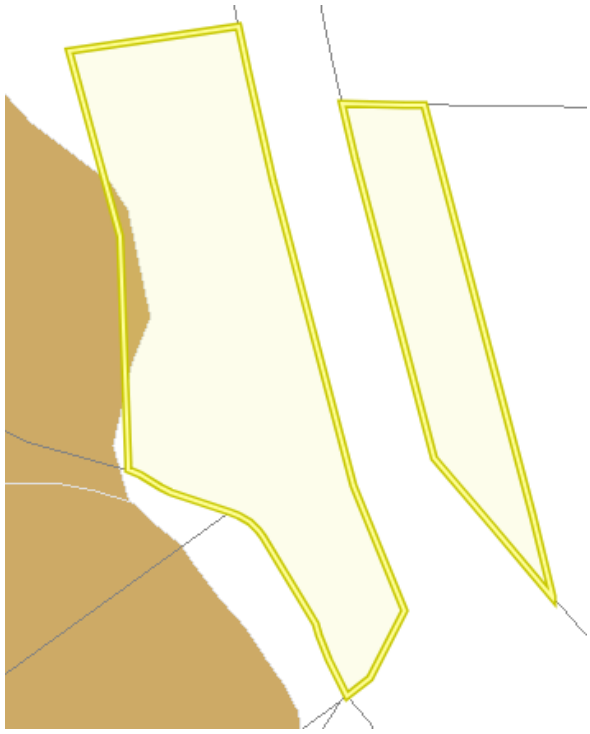
Permitted Buildings, Structures and Density
(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

	(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)*** *Despite 3.3(2) the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.* ***(6)*** *The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m^2.* ***(7)*** *The minimum seating capacity of a pub shall be fifty (50) indoor seats.* ***(8)*** *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 m^2.* 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 *Sewerage System Regulation* 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 *Water Sustainability Act* (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 "*the purposes of commercial wharf, pub, sundeck and moorage facilities.*"
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 *(see HO-DP-2022.1)*

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 (*Pseudotsuga menziesii / Mahonia nervosa*) 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 *Heritage Conservation Act* (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.

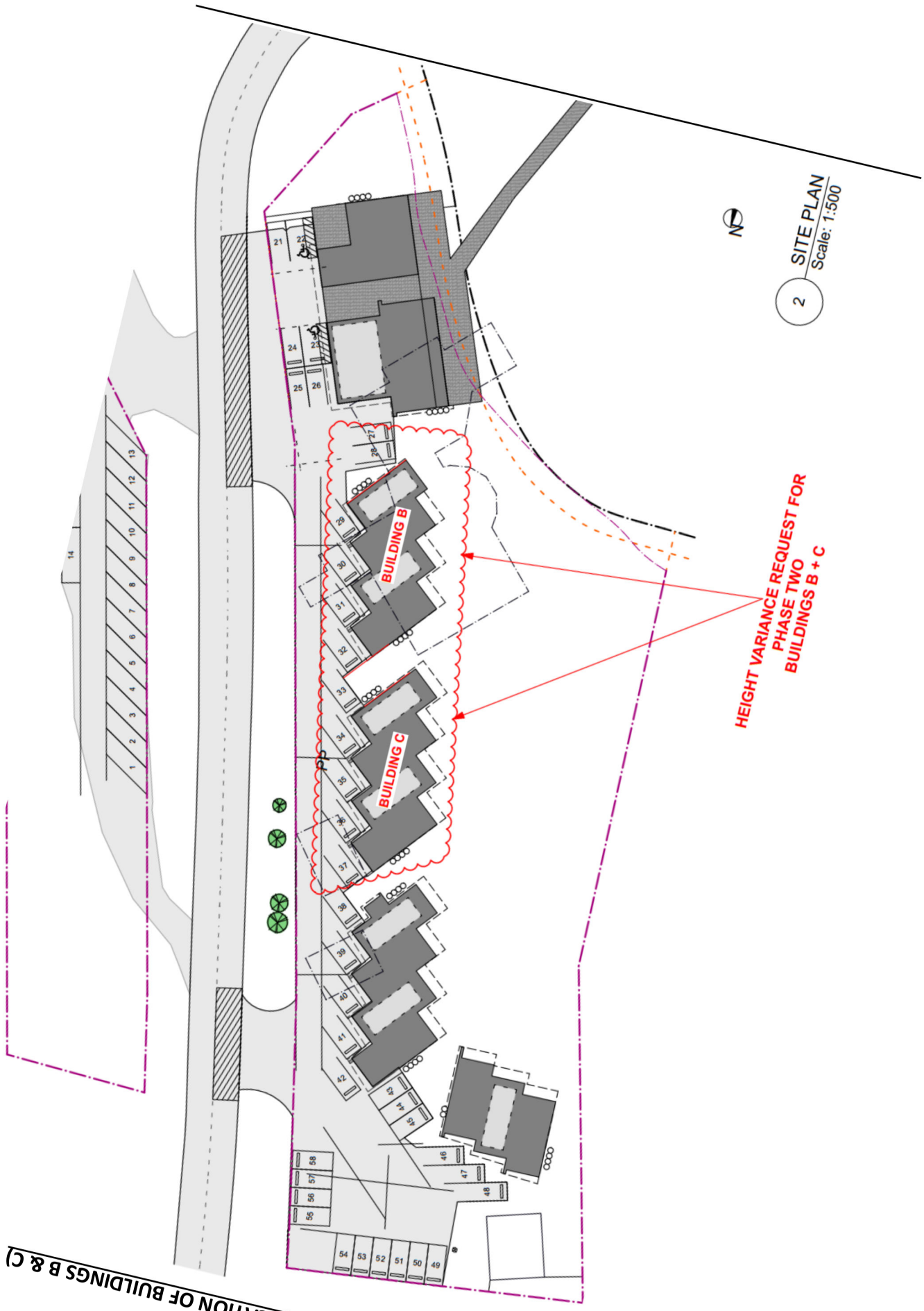
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "*Hornby Island Land Use Bylaw No. 150, 2014*" and to obtain other approvals necessary for completion of the proposed development.

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.

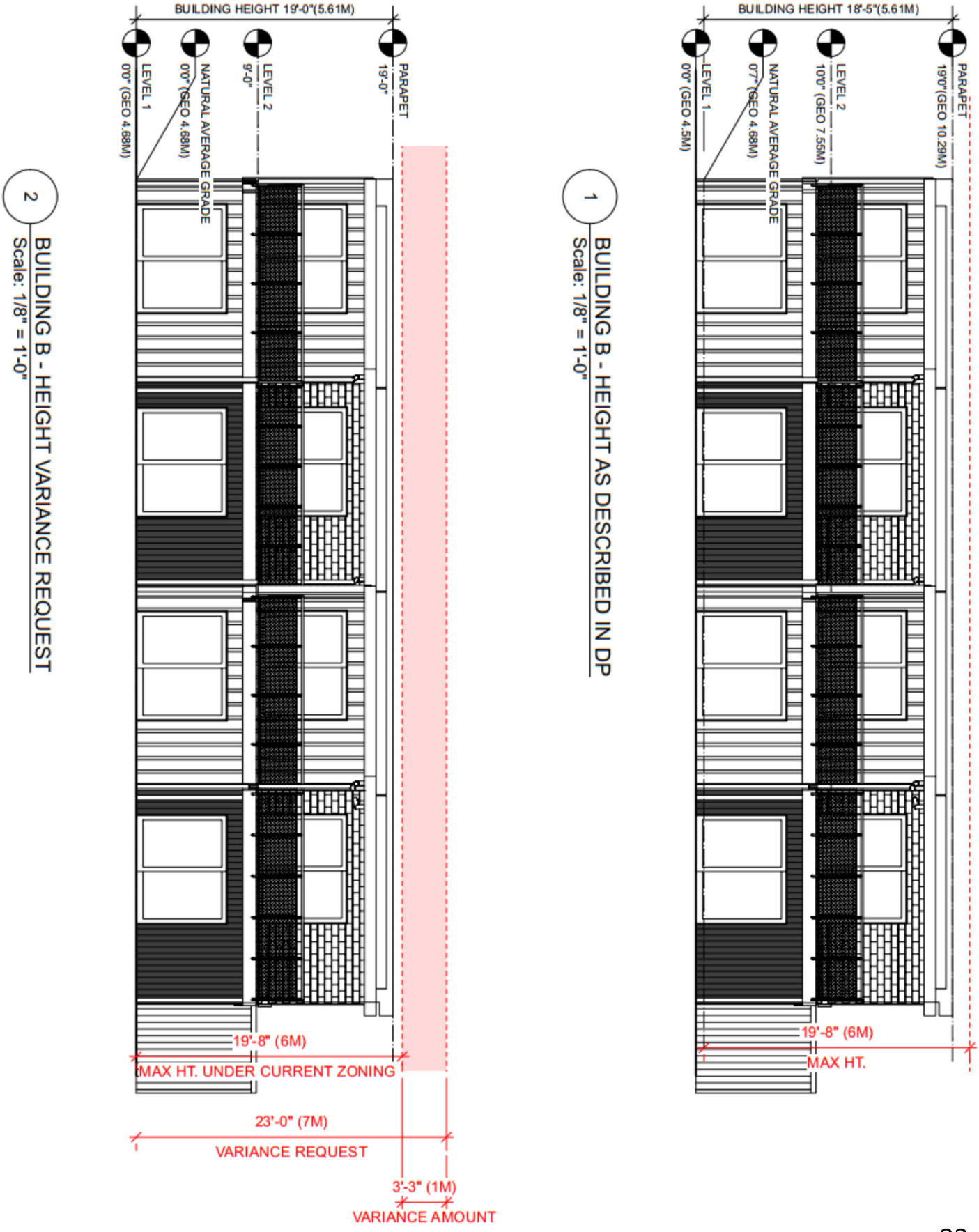


SCHEDULE 'A' - SITE PLAN (LOCATION OF BUILDINGS B & C)

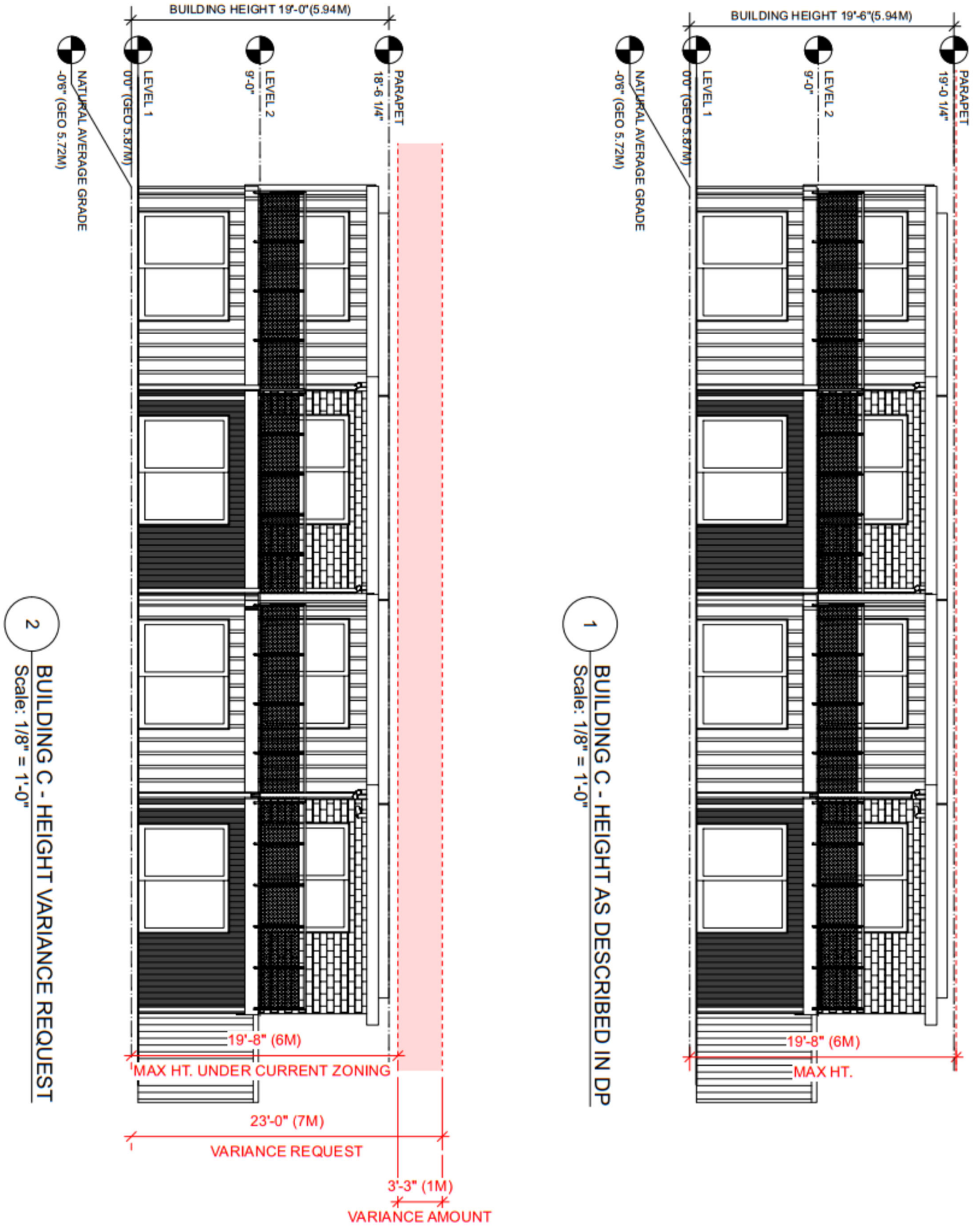
HORNBY - DVP-2022.1

HORNBY ISLAND LOCAL TRUST COMMITTEE

SCHEDULE 'B'- VARIED MAXIMUM HEIGHT OF BUILDING B



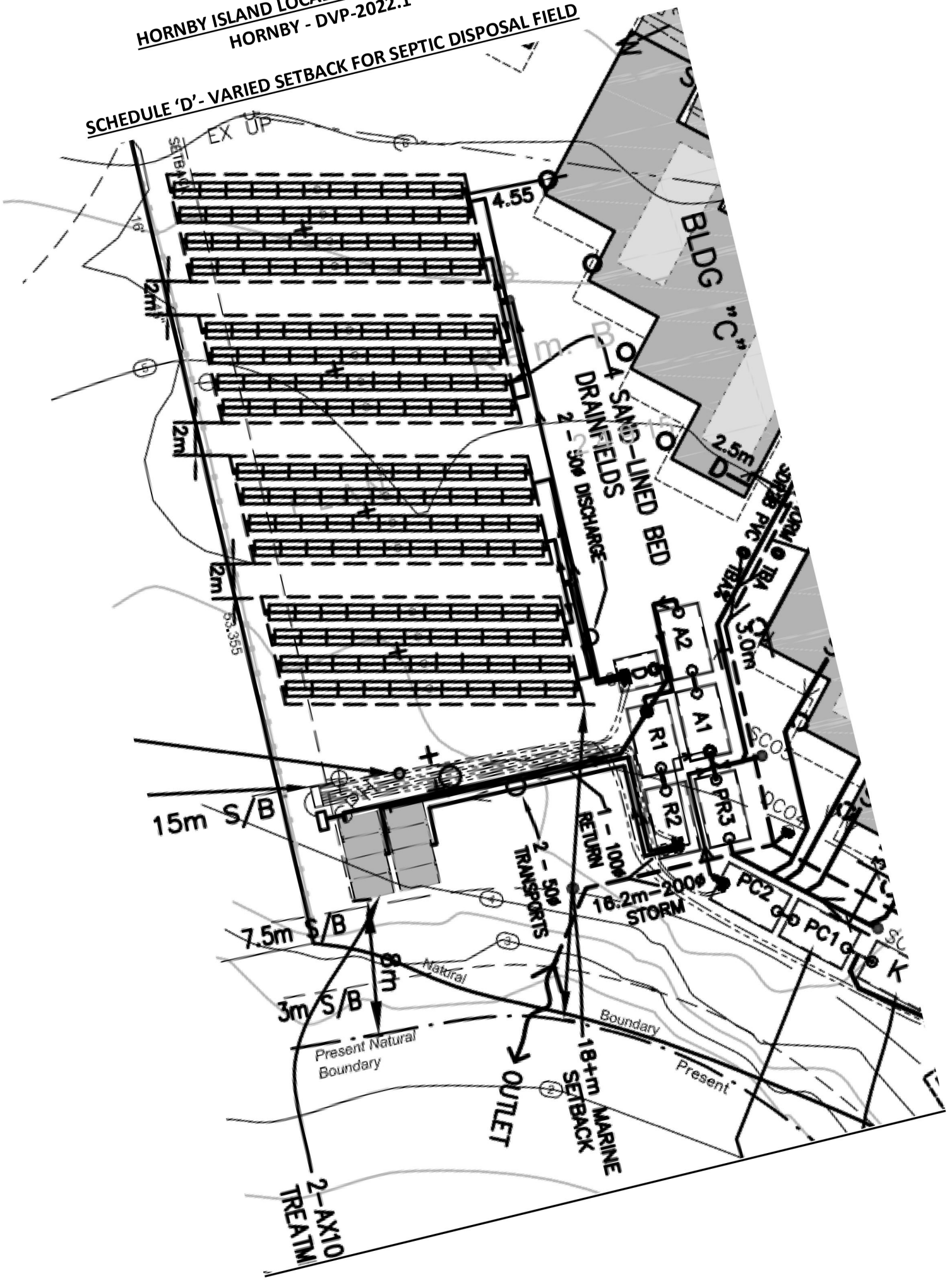
SCHEDULE 'C'- VARIED MAXIMUM HEIGHT OF BUILDING C



HORNBY ISLAND LOCAL TRUST COMMITTEE

HORNBY - DVP-2022.1

SCHEDULE 'D' - VARIED SETBACK FOR SEPTIC DISPOSAL FIELD



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

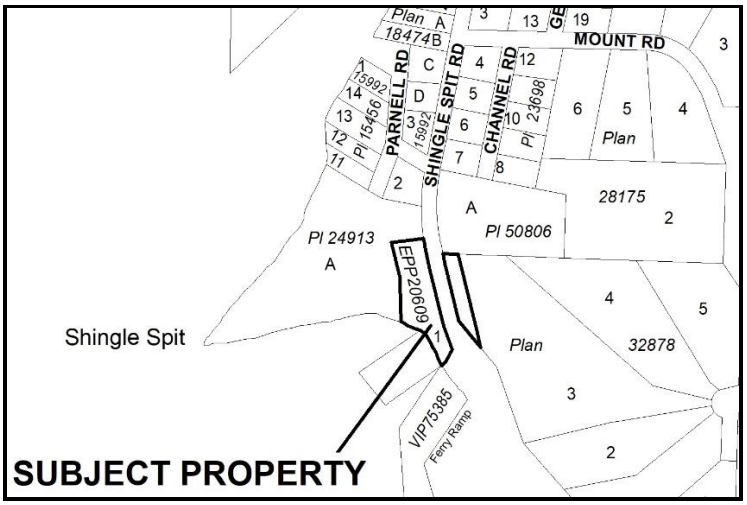
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Hornby Land Use Bylaw No. 150, 2014 by:

- 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.

Becky McErlean, Deputy Secretary

Ron McMurtrie and Associates, Consulting Engineers
Wastewater System Specialists
Comox/Hornby Island, BC 250-335-2685 jasbreez@island.net

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

Ron McMurtrie and Associates, Consulting Engineers
Wastewater System Specialists
Comox/Hornby Island, BC 250-335-2685 jasbreez@island.net

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.

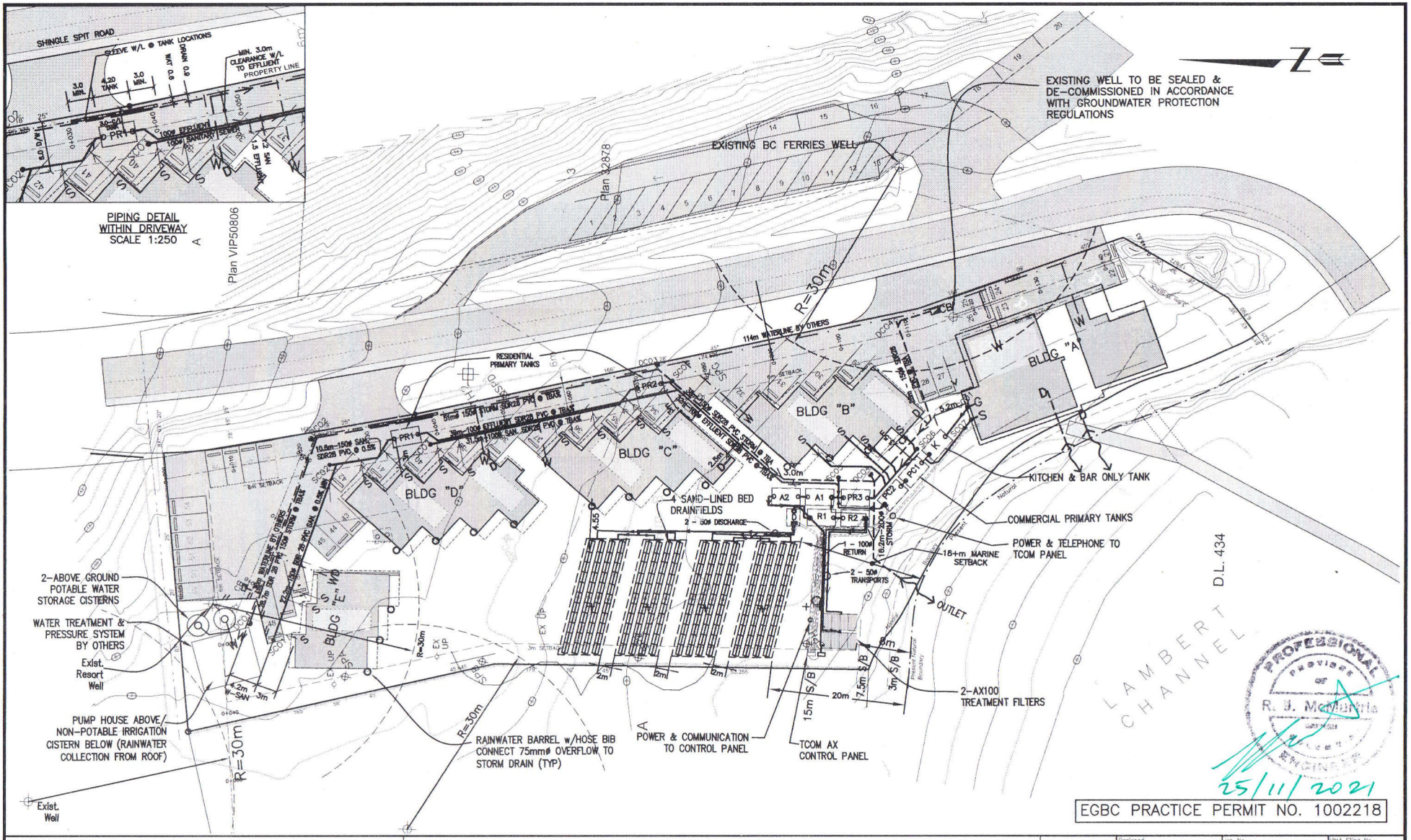
    It is noted that the proposed design far exceeds regulatory requirements: a Type 1 (septic tank treatment) dispersal field may be located at a 15m marine setback in accordance with the SPM – V3

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

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
R. J. McMurtrie



PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
R. J. McMURTRIE

25/11/2021

EGBC PRACTICE PERMIT NO. 1002218

RON McMURTRIE & ASSOCIATES CONSULTING ENGINEERS
5225 JEROW ROAD, HORNBY ISLAND, V0R 1Z0
TELEPHONE/FAX (250) 335-2685

HORNBY ISLAND RESORT THATCH DEVELOPMENT
ON-SITE SEWAGE SYSTEM
SITE LAYOUT PLAN

REMAINDER OF LOT B, SECTION 4-1, NANAIMO DISTRICT, PLAN 24915, EXCEPT PART IN PLAN 2638 RW
4305 SHINGLE SPIT ROAD, HORNBY ISLAND, V0R 1Z0, B.C.

Engineer

Designed: RM	Job No.: 0608	VIHA Filing No.: CV21-	
Drawn: JMG	Scale: HOR. 1:500 VER. -	Drawing No.: 1	
Chkd/Apprvd: RM	Date: 2021/11/22		
Acad File: 0808 2021.dwg	-	Rev. No.: 1	15

From: "INFO, BCEBC BCEBC:EX" <info@bcebc.ca>
Subject: Greetings from the BC Electoral Boundaries Commission
Date: March 3, 2022 at 11:45:56 AM PST
To: "sefast@bimbc.ca" <sefast@bimbc.ca>

BRITISH COLUMBIA
Electoral Boundaries Commission

March 3, 2022

Councillor Sue Ellen Fast
Island Municipality of Bowen Island

Greetings from the BC Electoral Boundaries Commission.

Please accept this letter as an invitation to your organization to express your views on the province's current electoral district boundaries.

The BC Electoral Boundaries Commission is an independent, non-partisan commission with a mandate to review the area, names and boundaries of provincial electoral districts. The Commission submits two reports to the Legislative Assembly with recommendations for the next two provincial general elections.

Your voice in an important part of this process. To help prepare its preliminary report, the Commission is now seeking public input on the province's current electoral district boundaries. We will be publishing a preliminary report with initial recommendations. After, we will seek public input on those recommendations.

You can share your organization's views in the following ways:

- through the Commission website,
- at an in-person or virtual public meeting, or
    - by writing the Commission directly.

Visit our website to learn more about the Commission, review maps and resources, and find the electoral districts in your community.

Please feel free to share this information with others and contact us with any questions.

Sincerely,



Justice Nitya Iyer
Commission Chair

BC Electoral Boundaries Commission

100- 1112 FORT STREET, VICTORIA B.C. V8V 3PK
BCEBC.CA | INFO@BCEBC.CA | 1-800-661-8683

Tony Law
[redacted]
Hornby Island, BC V0R 1Z0
[redacted]

27 March 2022

Hon. David Eby, QC (Attorney General and Minister Responsible for Housing)
AG.Minister@gov.bc.ca
Hon. Selina Robinson (Minister of Finance)
FIN.Minister@gov.bc.ca
cc: Josie Osborne, MLA, Director Daniel Arbour, Hornby Island Local Trust Committee, Hornby Island Housing Society

Dear Ministers Eby and Robinson:

re: Amending the Home Owner Grant Program to Support Residential Housing

I encourage the provincial government to provide a Home Owner Grant (or equivalent) in situations where a dwelling is being made available for rental housing through a residential tenancy agreement.

My community – and I am sure many others – do not have a pool of dedicated rental housing or non-market housing. Rental opportunities generally become available when the owner of a second dwelling (who generally lives elsewhere) chooses to make it available for residential tenure.

Otherwise, such dwellings are not occupied full time. Instead, they are used for recreational purposes and/or to accommodate paying or non-paying guests. (In some cases, they are used to provide rental accommodation, but for only part of the year.)

I believe a financial incentive, in the form of reduced property taxes, may provide a reason for some owners of second dwellings (eg those mostly being held for future retirement or for investment purposes) to choose to make them available for badly needed year-round rental housing.

In 2021, the final report of the *Canada-British Columbia Expert Panel on the Future of Housing Supply and Affordability* recommended that *"the B.C. government phase out the Home Owner Grant. Monies saved from this should be used to fund social housing in addition to the commitments made in the 10-year plan"*. It is my understanding that the government has decided to not implement this recommendation. However, if the Home Owner Grant is to continue, it should at least be adjusted to better support the availability of rental housing.

And back in 2018, the province's *30 Point Plan for Housing Affordability in British Columbia* committed to "*reviewing the Homeowner Grant to provide fairness for renters*". It is my understanding this has not yet happened. One way the Home Owner Grant can benefit renters is by amending it to encourage more availability of rental homes.

Thank you for considering this input. I hope it will contribute to some action.

Sincerely,

Tony Law

Graham Underhill
[redacted]
Hornby Island, BC
V0R1Z0
[redacted]

Wednesday, April 20, 2022

Dear HIRRA, Islands Trust Hornby, Comox Valley Regional District, Ministry of Transportation and Highways

Via Email hornbyisresidentsratepayers@gmail.com; office@hirra.ca; sfast@islandstrust.bc.ca; aallen@islandstrust.bc.ca; gscott@islandstrust.bc.ca;reachme@danielarbour.ca; Kellen.Truant@gov.bc.ca

Re: Addressing Neighbourhood Beach Parking and Overuse on Hornby Island

I live and own property on Anderson Drive on Hornby Island in the middle of the Whaling Station Beach Area between Maude Road and Moya Road. It is normally a quiet neighbourhood where residents are able to walk to visit friends, dogs, and other neighbours. The limited vehicle traffic is **local** residents as the road ends at a dead end. I propose some ideas to mitigate the dangers and change of culture during the summer rush periods.

One of the main reasons for choosing our residence on Hornby is the quiet rural lifestyle and feeling of neighbourhood interaction and security.

The summer of 2021 was a totally unacceptable situation with the neighbourhood being overtaken every day by a massive wave of out-of-neighbourhood beach goers who arrived every day in vehicles and parked wherever they wanted including our driveway, neighbours' driveways, and all over all the roads.

It was dangerous from a pedestrian, bicycle and vehicle safety viewpoint including completely blocking access for emergency vehicles if needed.

I have canvassed many property-owner neighbours, and none of them found the situation acceptable. We even had to leave our property during portions of the summer period as it was no longer a quiet island lifestyle but rather what one would expect to encounter at Kits Rathtrevor or Buntsen Lake beaches in the much larger population city areas.

Hornby Island beaches need to be designated as Neighbourhood Beaches with **no parking signs on both sides of the road** and a small amount of limited parking in the beach access road areas just like several other British Columbia islands and municipalities have done to preserve the quiet and peace of the local neighbourhoods.

For visitors who come to Hornby, I understand that Tribune Bay should be used as a public park available with parking for the large influx of non-resident and non-neighbourhood beach goers who want to use their vehicles to drive to beaches. Furthermore, the free bus can have a stop added at Tribune Bay to ensure that people are getting out of their cars and into beaches with a smaller impact on the environment.

In addition to safety, resources of Hornby Island are being overwhelmed during the summer period with the proliferation of overflowing summer rentals and camping beyond what is sustainable for the local resources. I have seen your HIRRA draft today addressing some of these issues, and I would encourage additional steps be added to that communication document.

Please ensure the no parking signs are added to both sides of the road and designate the small neighbourhood beaches for the use of locals and leave the masses to enjoy Tribune Bay. The safety of the neighbourhood needs to be considered with the inevitable increased influx coming the summer of 2022.

Sincerely,

Graham Underhill

[redacted]

STAFF REPORT

File No.: 0680-25 (Annual Report)

DATE OF MEETING:	May 6, 2022
TO:	Hornby Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	2021-2022 Annual Report

RECOMMENDATION:

1. **That the Hornby Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.**

   The Hornby Island Local Trust Committee (HOILTC) held five regular business meetings, one Public Hearing, one special business meeting and one special meeting/in camera meeting in the 2021/22 fiscal year, for a total of eight meetings.

   Work for this period focused on advancing the HOILTC priorities to address freshwater sustainability, the Hornby Island Official Community Plan and Land Use Bylaw. The LTC gave three readings to an Official Community Plan amendment bylaw and adopted a Land Use Bylaw amendment focused on clarifying the minimum average lot area for subdivision.

   The HOILTC also amended their Meeting Procedures Bylaw to allow all LTC meetings to be electronic when needed.

   From April 1, 2021 to March 31, 2022, the HOILTC received and considered applications for six development variance permits, three development permits, and one temporary use permit.

   During the same time period staff also reviewed 16 siting and use permits, one crown lease referral, and one subdivision referral.

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2021-2022 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2022.

Preparation of the Islands Trust Annual Report is outlined in Trust Council's Annual Report Policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council's policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	April 8, 2022

ISLANDS TRUST CONSERVANCY

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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 25, 2022 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

- Chair and Vice chair elections were held. Trustee Stamford was acclaimed as Chair of the ITCB. Trustee Fast was acclaimed as Vice-Chair of ITCB.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the Board with a 2022-23 ITC Work Planning package and request for decision. The ITC has a small team that is working to meet existing commitments with respect to current conservation proposals and land management projects. Woven through all its work, the ITCB has committed to strengthening relationships with First Nations. The ITC is also working on a new Climate Change Project to prepare for effects of climate change on lands that are managed by the ITC, and a new Species at Risk Program aimed at species threatened by extinction in the islands. To enable creation of work programs that can successfully meet these commitments, the ITCB directed staff to focus on these new program areas in 2022. ITC will continue to act on high priority conservation opportunities, but will hold other less urgent work until the spring of 2023.
- The ITCB had three readings of Islands Trust Conservancy Bylaw No. 3, cited as "Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022." The bylaw will allow the ITC board members to attend meetings electronically.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference
- The ITCB approved attendance at e-Summit of the Pan Canadian Parks and Protected Areas Research Network for Trustees Stamford and Smith.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITBC noted for the public in the 'rise and report' of the in camera meeting, that it has approved signing of a conservation covenant on Lasqueti Island that is the subject of a Natural Area Protection Tax Exemption Proposal application.
- The Ecosystems Protection Specialist presented a conservation proposal to donate a 2.45 ha NAPTEP covenant on Salt Spring Island, to protect mature forests, wetlands, and connectivity to other protected areas. Decision was made to approve the proposal but defer this securement project until late 2022/early 2023 due to staff capacity constraints.
- The Public Acquisitions and Covenants reports were presented to and accepted by the ITCB.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the Moore Hill Management Plan. Board discussed the cultural significance and public opinion regarding closure of public access and relationship building with First Nations and approved the management plan.
- The ITC Covenant Management & Outreach Specialist provided a slide presentation to Board members, highlighting the top six projects completed in 2021. The ITCB commented this was a great learning experience and requested that these presentations be communicated more broadly to the public.
- The ITC Property Management Specialist presented a slide presentation to Board members highlighting the top restoration projects completed in 2021, noting partners, local conservancies and volunteers have been instrumental in doing this work.

5. COMMUNICATIONS AND OUTREACH

- The ITC Manager advised that an outreach letter had been sent to Gabriola landholders in January in collaboration with the Gabriola Land and Trails Trust. The Gabriola Island Local Trust Committee was notified.
- The ITCB received a letter from Sheila Harrington regarding a book she is developing about land trusts in the islands.
- The ITCB received a building permit referral for information for a greenhouse on a covenanted property on North Pender Island. As the greenhouse is well distanced from the covenant boundary, the ITC Manager advised that staff did not have concerns.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Trustee Smith provided a verbal update noting that Galiano Island recently completed the new Cable Bay conservation area, including 25 hectares, linking to other conservation areas, totalling 500 hectares of Coastal Douglas-fir forests, and wetlands. There will be a celebration in the spring. The ITCB provided an Opportunity Fund Grant to kick start the project in 2019.

- The Budget Report was presented and accepted by the ITCB.
- Trustee Fenton advised that the Thetis Island Local Trust Committee is trying to pull together a program to bring community engagement, stewardship and education. Thetis is working towards community composting.
- Trustee Adams advised she signed up for Land Trust Alliance of BC Indigenous Engagement session and will provide an update.

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)

ISLANDS TRUST CONSERVANCY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 15TH, 2022 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) continues to have a vacancy for one Ministerial appointment to the ITC Board. There has been no news from the Crown Agencies and Board Resourcing Office regarding posting of the position.
- ITC Board is preparing to add a 0.6 FTE Fund Development Specialist and a summer Co-op Student to the team in the Spring/Summer, as per the approved 2022/23 Islands Trust Budget.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Five-Year Plan concludes at the end of 2022 and ITC Board considered steps for developing the next Plan. A Project Charter was approved that included allocation of staff time and funding for First Nations engagement. The ITC Five-Year Plan is a requirement under the *Islands Trust Act* and is reviewed and approved by the Minister of Municipal Affairs.
- ITC Board requested that Executive Committee forward the correspondence received at Trust Council (item 17.2) about Coastal Douglas-fir to the delegate David Dunnison regarding his presentation to Trust Council dated March 8, 2022 entitled, “Islands Trust Biodiversity”.
- Chair Stamford updated the Board regarding a presentation that she and Trustee Smith provided at the pan-Canadian Parks and Protected Areas Research e-Summit in February 2022.
- ITC Board directed staff to review Policy 1.7 Donations and Fundraising Policy to clarify the process of allocation of large undesignated donations

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC Board authorized the Chair to sign a covenant over the whole of Brooks Point Regional Park (South Pender Island) in favour of Islands Trust Conservancy and Habitat Acquisition Trust.
- The Public Acquisitions and Covenants reports were accepted by the ITC Board.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a Climate Change Research proposal from UBC Conservation Decisions Lab for up to ten years in the McFadden Creek Nature Sanctuary (Salt Spring Island) and S'ul-hween X'pey (Elder Cedar) Nature Reserve (Gabriola Island)
- ITC Board accepted an addendum to the ITC NAPTEP Covenant Monitoring Report 2021 to reflect the monitoring of Owl's Call NAPTEP Covenant (Salt Spring Island).
- ITC Board endorsed moving forward with the Operational Planning Phase of the Sidney Island Ecological Restoration Project, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.
- ITC Board received an update regarding research and restoration work occurring in partnership with Capilano University in ITC Nature Reserves on Gambier Island.

5. COMMUNICATIONS AND OUTREACH

- ITC Board receive information on the March 16, 2022 Species at Risk workshop; highlighting registration is currently at 93 attendees, including a great diversity of participants.
- ITC Board was informed that the ITC Rack card has been update and is available for communications purposes. Trustees who wish to receive copies are requested to get in touch with the ITC Administrative Assistant.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board received a donation of $100,000 from the "Bloom Canadian Alter Ego Trust 2020" and allocated the donation to the Opportunity Fund, earmarking up to $50,000 for projects on Salt Spring Island to reflect the conservation interests of the donor.
- ITC Board discussed a letter from island conservancies regarding the Islands Trust Policy Statement that was submitted to Trust Council. The ITC Manager advised this document was provided to Trust Council as part of their Policy Statement review process.

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)

ISLANDS TRUST CONSERVANCY

the Heron

A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | islandstrust.bc.ca/conservancy SPRING 2022

Celebrating the newest protected places on the islands

Moss Mountain p.2
Woodpecker Forest p.4



Moss Mountain Covenant on Salt Spring Island
Inset: Woodpecker Forest Nature Reserve, SDAY,ES/North Pender Island PHOTOS: C. SMITH

For links and additional media, visit the Heron newsletter online.
www. islandstrust.bc.ca/conservancy/heron-newsletter/

SCAN ME

ALSO IN THIS ISSUE

2022 Field Season *and* Species at Risk Gathering – What's Next *p. 6*

Conservation Legacy Leaders p. 8



Moss Mountain Covenant

Protecting 45 hectares on Salt Spring Island

Thanks to the actions taken by islander Gay Young 45.4 ha (112.2 acres – approximately the size of 10 BC Place Arenas) of land has now been protected on Salt Spring Island along the Sansum Narrows. It provides a critical wildlife corridor linkage between Stoney Hill Regional Park on Vancouver Island and Burgoyne Bay Provincial Park and Mill Farm Regional Park Reserve on Salt Spring Island. Gay (with the support of her family) placed a conservation covenant on this property with the Islands Trust Conservancy.

"Given the current climate crisis it seemed like a great way to contribute," says Gay Young. "It was a family decision between me and my three children. We felt the land needed to be protected forever."

When asked what they wanted to protect most she answered – the trees. "We had 112 acres of mature trees. I don't want them to be destroyed – they are so important and are doing a great service for us as carbon sinks. It was my job to protect them.'

The covenant area contains a wide range of ecosystems including mature forests, seasonal creeks, wetlands, mossy bluffs, prairie oak, arbutus woodlands, and rocky shoreline. It protects nine provincially listed ecosystems and three documented species at risk of extinction - including the Endangered Little Brown Bat, which was detected during summer bat surveys in 2021.

"Conserving land to protect cultural heritage and ecosystems is a way that individuals can take direct action to help stem the loss of biodiversity and bolster resilience in the face of climate change ," says Kate-Louise Stamford, Chair, ITC Board.



Gay Young at Moss Mountain Covenant PHOTO: C. SMITH



Drum detail. PHOTO: L. WILCOX

Acknowledgement

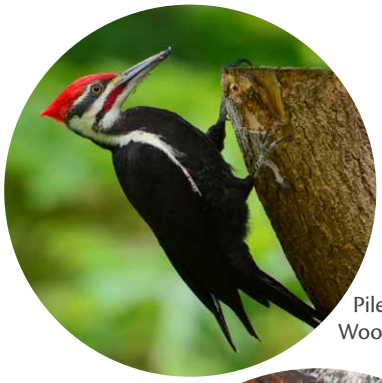
Islands Trust Conservancy acknowledges that we work within the treaty lands and territories of the BOḰEĆEN, K'ómoks, Lək̓ʷəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəẃaθən məsteyəxʷ, Scia'new, səl̓ilwətaʔɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, ST̓ÁUTW̱, Stz'uminus, ɬəʔamɛn, toq qaymɪxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu/ʔop qaymɪxʷ, and xʷməθkʷəy̓əm.



Fairyslipper Orchid



Skunk Cabbage



Pileated Woodpecker



Rough-skinned Newt



Northwestern Garter Snake



Pacific Madrone



Ocean Spray

Woodpecker Forest Covenant

on SDÁY̓ES / North Pender Island

Thanks to the ongoing generosity of islanders Peter Paré and Lisa Baile, an additional 3.63 ha of land near the existing Lisa Baile Nature Reserve has been protected on SDÁY̓ES / North Pender Island. This newly-protected area builds on existing protected lands to create nearly 17 hectares (41.5 acres – approximately the size of 4 BC Place Arenas) of protected land along Clam Bay Rd. Connected protected areas provide movement corridors for wildlife, and help buffer impacts of climate change. This new protected area will aid in stemming biodiversity loss on the island.

Lisa Baile first protected land near their home back in 2021, with the creation of the Lisa Baile Nature Reserve. When the lot next door came on the market, Lisa and Peter decided to act. "We bought the lot next door with the goal of placing a conservation covenant on part of it to protect it," says Peter.

Lisa and Peter state climate change and a strong desire to protect endangered Coastal Douglas-fir ecosystems are what motivate them to keep finding ways to protect more land on North Pender. "We want to protect as much rare and endangered Coastal Douglas-fir ecosystems as we can," says Peter. "The development on these islands has led to a progressive loss of trees – which are one of the best carbon capturing devices out there – we have to do more to protect what biodiversity is left."

Woodpecker Forest contains several at-risk ecosystems, including rare Douglas-fir and Western redcedar stands. There are remnant old-growth and wildlife trees scattered throughout the forest, and a wetland that supports river otters, amphibians, an incredibly diverse bird community (including several species of woodpeckers) and at least one bat species. There is a public trail through part of the wetland that is to be maintained by Pender's Alternative Transportation Society's Moving Around Pender Project (MAP). This conservation covenant will be jointly managed in partnership with the Pender Islands Conservancy Association.



Left: Some of the many species found within the covenant. PHOTOS: L. BAILE Above: Lisa & Peter at Woodpecker Forest. PHOTO: C. SMITH

"It is our hope that each little piece we can protect and set aside will help protect not just the rare coastal Douglas-fir ecosystems, but people as well in the face of climate change."

– Lisa Baile and Peter Paré.

"Thanks to the generosity and actions taken by Gay, Lisa and Peter, these incredible places – full of rare and wonderful ecosystems and species that they value – will remain protected and intact," says Kate Emmings, Manager at ITC. "I'd count that as a win for residents, a win for nature, and a win for generations to come."

Protect Land You Love

This property was protected using a conservation covenant in the **Natural Area Protection Tax Exemption Program (NAPTEP)**. For qualifying properties, NAPTEP provides landowners with a 65% property tax reduction for the portion of the property protected by a conservation covenant. Waterfront and large lots with proportionally higher values and taxes stand to benefit the most from the program.

Our website provides information and resources to help you determine if a conservation covenant is right for you and your property.

Visit **https://islandstrust.bc.ca/conservancy/protect-nature/conservation-covenants/** for more information.

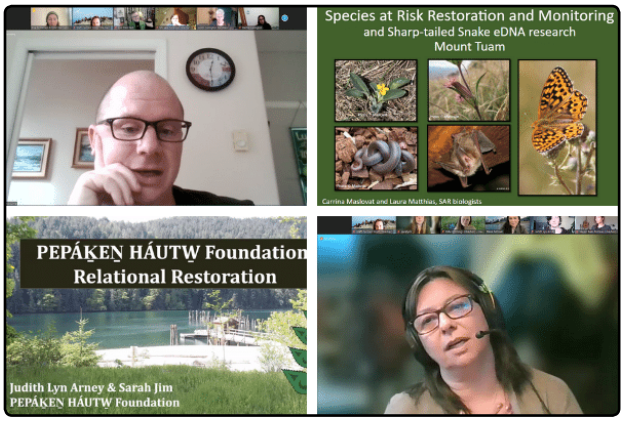
Conservation Covenants and voluntary actions by private landholders are critical to stemming biodiversity loss on islands in the Salish Sea.

Species at Risk Gathering hosts 60+ experts in March 2022

Species-at-Risk Program Coordinator, Wendy Tyrrell, helped organize the first ever ITC Species Gathering on March 17, 2022. The full day digital event brought more than 60 individuals from across the islands together to discuss the issues around addressing species and ecosystems at risk from extinction in the Salish Sea. The day featured a keynote presentation from Ruth Simons of the Howe Sound Biosphere project and presentations on eco-cultural restoration initiatives and new techniques for monitoring species at risk (like e-DNA sampling).

Wendy will to take feedback from this group to inform an ongoing workshop series and future gatherings to help enhance partnerships for on the ground actions for species/ecosystems at risk and culturally significant species and ecosystems on islands in the Salish Sea.

For those who missed out on the day we were tweeting highlights and learnings from the ITC Twitter handle @IslTrustConserv – Check out our tweets at https://twitter.com/IslTrustConserv.



Wendy Tyrrell, Species at Risk Program Coordinator (below) hosts the ITC Species Gathering on March 17, 2022



This project was undertaken with the financial support of:
Ce projet a été réalisé avec l'appui financier de :
Environment and Climate Change Canada
Environnement et Changement climatique Canada





Sharp-tailed Snake at Cyril Cunningham Nature Reserve on Salt Spring Island.. PHOTO LAURA MATTHIAS

Updates from the field

With field season kicking off we were thrilled to receive an update from biologist Laura Matthias who found an endangered Sharp-tailed Snake using one of the artificial cover objects they placed last spring on the Cyril Cunningham Nature Reserve on Salt Spring Island! Sharp-tailed Snakes are a species-at-risk on the islands and very little is known about these small, non-venomous snakes that spend the majority of their lives underground.

In 2018, field biologists Laura Matthias and Carrina Maslovat began a project to develop an innovative, non-invasive eDNA sampling technique to research the elusive Sharp-tailed Snakes. eDNA refers to the genetic material that organisms leave behind in the environment (from things like skin, feces or mucus). eDNA sampling is a fairly new tool that has been used mainly to detect rare aquatic species – adapting it for land-based species is an exciting next step.

We have been working with field biologists Laura Matthias and Carrina Maslovat at different suitable protected sites on this work on Salt Spring, Thetis, and SḎAY̓ES/North Pender islands. Read more about their work here.

We'll be keeping our fingers crossed that more snakes continue to find and utilize these structures!

The power of art, language & connection to land.



Elder Cedar viewing platform. PHOTO: A. LANDRY

Writer and artist Eliot White-Hill (Kwulasultun) breathes deeply on the trail in the old forest. A raven follows him, calling out in guttural tones. He knows that he is standing in the presence of Elders in the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island. "Our history lies in the trees" he says, "They are our roots. A connection to the wisdom and knowledge of our people".

Eliot's great-grandmother Snuneymuxw linguist and elder Dr. Ellen White honoured this special place with a Hul'qumi'num name. When she passed away a few years ago he realized just how spoiled he had been to be able to be with her at any time. He is keenly aware of how much knowledge went with her, and has become 'obsessed' with exploring ways to continue sharing her knowledge between generations.



"Eliot's art helps to tell the powerful stories of the history of this place."

- Geraldine Mason

When ITC approached him to design a new sign for the Nature Reserve, he saw it as an opportunity to tap into Hul'q'umi'num knowledge. He turned to Elders - like Geraldine Mason - to help him in this journey. While creating the art for the new sign for the nature reserve Eliot wanted to portray the deep sense of history and connectedness.

"Sharing our art will form a connection that will create space where empathy and understanding can flourish across cultural divides."

- Eliot White-Hall

Geraldine's passion lays in using specific language to describe history. She explores the significance of place, and asks questions like 'why were camps here?' She has learned that the people who came here were harvesting, collecting, and preserving for winter – they were not idle. She plans to share this history of the land and research online in the future, with place names and a virtual tour.

The S'ul-hween X'pey (Elder Cedar) Nature Reserve's new sign design is set to be recognized with Eliot and Geraldine, ITC, The Gabriola Land and Trails Trust, Nanaimo & Area Land Trust, and the Snuneymuxw First Nation in the late Spring/Summer of 2022.



"These trees are our whole world. They are our roots and a connection to a time before. And they are almost all gone."
~ Eliot White-Hill (Kwulasultun), writer and artist.

Giving thanks to those legacy leaders who remembered us in their Will



Betty Swift, Link Island

Betty had a lifelong commitment to conservation and stewardship of ecologically important lands. Her long-time dream to ensure the conservation of Link Island led to her donation to ITC as a "life estate" bequest and a nature preserve closed to public access. Current family members will continue stewarding the island throughout their lifetime knowing her vision has been achieved. Betty's family hope Link Island will become a foot-hold for climate-change research in the Salish Sea.



William Tempest, Victoria

As a water resource engineer, William had a lifelong interest in the natural sciences. His friends described him as a 'quiet environmentalist'. For 50 years he and a group of friends and work colleagues regularly met on Hornby Island to fish, hike and discuss world affairs. William bequeathed 10% of his estate to ITC, which will be put towards conservation on Hornby Island.



Susan Bloom, Salt Spring Island

As a philanthropist and conservationist, Susan believed strongly in grassroots organizing and worked to help small groups of passionate people do extraordinary things. ITC was selected to receive funding by Bloom's estate trustees, in recognition of the conservancy's efforts to preserve our natural heritage. In her memory her estate bequeathed $100,000 in support of continued conservation efforts on islands in the Salish Sea.

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islandstrust.bc.ca/donate-to-conservancy

SCAN ME

Questions? Contact us!

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

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Expiry Date mm/yy | Security Code (back of card)

Signature

Share your vision with future generations — please consider remembering Islands Trust Conservancy in your will.

*Islands Trust Conservancy is a qualified donee as a Crown agent under the *Islands Trust Act*. Islands Trust business # 122013576 RT0001

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2021.2	The Board of School Trustees of School District No. 71 (Comox Valley) (MacDonald Hagarty Architects Ltd.)	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.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2022.1	Hornby Island Resort Ltd.	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.

Planner: Teresa Mahikwa

Planning Status

Status Date: 20-Apr-2022
No response yet from KFN. No change in status.

Status Date: 18-Feb-2022
At the 18-Feb-2022 meeting, the LTC approved HO-DP-2022.1 subject to receipt of a letter from Komoks FN indicating no objection. Planner will wait to hear from KFN.

Status Date: 01-Feb-2022
Staff report to appear on 18-Feb-2022 agenda for LTC consideration of the DP.

Applications

Development Variance Permit

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: 20-Apr-2022

No response yet from KFN. No change in status.

Status Date: 18-Feb-2022

During the 18-Feb-2022 meeting, the LTC passed a resolution to delay issuance of the DVP until hearing from the Komoks FN. Planner will wait for KFN's response.

Status Date: 01-Feb-2022

Staff report to appear on 18-Feb-2022 agenda for LTC consideration of the variances.

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:

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.3	Wyndham, Tim & Shirley	28-Mar-2022	PID: 001-728-717 To bring property into compliance to allow for a Siting & Use Permit. Civic address: 975 Mount Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 29-Mar-2022

File opened & assigned.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.4	Reg Pineiro	06-Apr-2022	PID: 000-157-503 To rebuild deck that is within the natural boundary. Civic address: 5905 Maclean Road, Hornby Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 07-Apr-2022

File opened & assigned. Waiting for etransfer.

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.

Applications

Siting and use Permit

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.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2022.3	Lenic, Christina	02-Mar-2022	PID: 003-339-378 Renovation and expansion of home for permanent living. Civic address: 5565 Porpoise Crescent, Hornby Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 15-Mar-2022
Planner reviewing file. File referred to KFN.

Status Date: 04-Mar-2022
File opened & requested Etransfer.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2022.4	Jack, Robert & Karen	03-Mar-2022	PID: 003-319-440 Move cabin on to property & adding septic field. Civic address: 5145 Porpoise Crescent, Hornby Island, BC.

Planner: Marlis McCargar

Planning Status

Status Date: 07-Mar-2022

File opened & assigned.

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: 20-Apr-2022

No change in status.

Status Date: 01-Mar-2022

MOTI issued PLR on 1-Mar-2022. Applicant to take next steps as outlined by MOTI.

Status Date: 12-Jan-2022

Following the adoption of BL 167 and the LTC's resolution HO-2021-068 on 10-Dec-2021 to waive lot frontage requirement for Proposed Lot 2, planning staff revised referral response and update sent to MOTI for review.

Applications

Subdivision

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: 20-Apr-2022

No change in status.

Status Date: 01-Mar-2022

MOTI issued PLR on 1-Mar-2022. Applicant to take next steps as outlined by MOTI.

Status Date: 12-Jan-2022

Following the adoption of BL 167 and the LTC's resolution HO-2021-069 on 10-Dec-2021 to waive lot frontage requirement for Proposed Western Lot, planning staff revised referral response and update sent to MOTI for review.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2022.1	Peter Mason Geomatics	30-Mar-2022	PID: 002-269-058 Two lot subdivision. Civic address: 3705 Roburn Road, Hornby Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 20-Apr-2022

No change in status.

Status Date: 31-Mar-2022

Subdivision referral report sent to MOTI for review and response.

Status Date: 30-Mar-2022

File opened & assigned.

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 February 2022

635 Hornby	Invoices posted to Month ending February 2022	Budget	Spent	Balance
65000-635	LTC "Trustee Expenses"	269.00	0.00	269.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,386.00	1,961.68	424.32
65210-635	LTC - Local Exp - APC Meeting Expenses	370.00	1,756.50	-1,386.50
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		3,300.00	3,958.18	-658.18
Projects				
73001-635-2004	Hornby OCP/LUB	1,600.00	360.00	1,240.00
73001-635-4120	Hornby Healthy Watersheds Initiative	20,000.00	16,500.00	3,500.00
TOTAL Project Expenses		21,600.00	16,860.00	4,740.00

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 **UPDATES-below:** September 28, 2018 November 6, 2020 October 8, 2021	HO-2017-011 **UPDATES-below:** 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: o Name of the applicant and a description of the proposal in general terms o The location of the proposed establishment and the subject site o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application o How public comments may be submitted to the Local Trust Committee.
3.	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: o that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or o where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or o where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring. • The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental. • A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.
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.

Islands Trust

Print Date: April 26, 2022

Top Priorities Report

Hornby Island

1. *Comprehensive OCP Review*	Responsible	Dates
The Hornby Island Local Trust Committee would like a Comprehensive Official Community Plan amendment to be prioritized by the Regional Planning team. Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package. Update: add consideration of steep slope area regarding heritage portion of central road to ford cove and consideration of wetland categories.	Heather Kauer	Rec'd: 06-Nov-2020

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

Top Priorities Report

Hornby Island

3. *Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.*	Responsible	Dates
Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.	Heather Kauer Teresa Mahikwa	Rec'd: 06-Nov-2020

Islands Trust

Print Date: April 26, 2022

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

12.	Responsible	Date Received
Develop a Community Heritage Registry		10-Dec-2021

Islands Trust Council Highlights
March 8 – 10, 2022

The following is a list of agenda and addendum highlights of Trust Council's activities and decisions from its March 8-10, 2022, quarterly meeting. These highlights are not the official minutes; Trust Council will adopt those at its June 21-23, 2022, meeting being held electronically in Victoria. Visit the meeting site to view the recordings.

Adopted Budget 2022/23
This news release summarizes highlights of the $9.1 million budget Trust Council approved to continue operations and implement initiatives from its Strategic Plan.

Receipt of Islands Trust Governance Review
The consultant's report, Islands Trust Governance Review February 2022, prepared by Great Northern Management, was received. A motion to strike an ad hoc committee, which would review the report's recommendations for action, was deferred (postponed) until Council was in receipt of the consultant's feedback/terms of reference for a Governance Committee. Trustees indicated a strong interest to move the matter forward.

Phase 3 Policy Statement Engagement Presentation
ISL Consultants presented a PowerPoint outlining engagement with island communities as Phase 3 of Islands 2050 Policy Statement Amendment consultation scheduled through mid-April.

Amendments to Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services to Local Trust Committees
Trustees provided feedback on the policy addressing reconciliation work and prioritizing local trust committee official community plan reviews. Feedback will be considered by the Regional Planning Committee with the policy coming back to June Trust Council.

Administrative Policy Review
A draft operational procedure to Policy 2.2.3, Resolutions without Meeting (RWM), a policy that enables council to make decisions outside of a regularly scheduled meeting, was amended at section 3.1 to read "should limit discussion" rather than "should not discuss" when holding a RWM.

Disposition of Delegations
Trust Council supported a request by Simon Fraser University presenters to proclaim June 8, 2022 to June 7, 2023 "Year of the Salish Sea", to raise public awareness about a healthy Salish Sea and learn from Indigenous Nations on how to improve its health and management for the benefit of future generations.

Retirement Recognition
Legislative Services Manager, Carmen Thiel, was recognized for her decades of service with Islands Trust and was presented with a framed relief picture of the Salish Sea/Islands Trust Area.