

Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: June 10, 2022
Time: 10:30 am
Location: Electronic Meeting

Pages

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

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT - IN CAMERA MEETING MAY 6, 2022**
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. **DELEGATIONS** 11:00 AM - 11:15 AM
 - 5.1. **Ministry of Indigenous Relations and Reconciliation - Delegation**
6. **CLOSED MEETING** 11:15 AM - 11:30 AM
 - 6.1. **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(2) (b) for the purpose of the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both and a third party and that staff and the recorder attend the meeting.
 - 6.2. **Recall to Order**
7. **TOWN HALL** 11:30 AM - 11:40 AM

8.	MINUTES	11:40 AM - 11:45 AM	
8.1.	Local Trust Committee Minutes dated May 6, 2022 - for adoption		4 - 13
8.2.	Section 26 Resolutions-without-meeting - none		
8.3.	Advisory Planning Commission Minutes - none		
9.	BUSINESS ARISING FROM MINUTES	11:45 AM - 12:15 PM	
9.1.	Follow-up Action List Report dated June 1, 2022		14 - 16
9.2.	Municipal Regional District Tax (aka "Pillow Tax" - verbal update		
9.3.	Siting and Use Permit Bylaw No. 168 - Staff Report - for consideration of adoption		17 - 17
	That Hornby Island Local Trust Committee Bylaw No.168 cited as "Hornby Island Trust Committee Siting and Use Permit Bylaw No. 168, 2021", be adopted.		
9.4.	Hornby Island Local Trust Committee Fees Bylaw No. 169 - Staff Report - for consideration of adoption		18 - 18
	That the Hornby Island Local Trust Committee Bylaw No.169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be adopted.		
9.5.	<i>Entrance Sign</i>		
10.	APPLICATIONS AND REFERRALS	12:15 PM - 12:50 PM	
10.1.	HO-DVP-2022.3 (Wyndham - 975 Mount Road) - Staff Report		19 - 25
10.2.	HO-SUB-2022.2 (Aikman and Mace - 2066 Belcarra Road) - Staff Report		26 - 32
	----- BREAK 12:50 PM to 1:15 PM -----		
11.	LOCAL TRUST COMMITTEE PROJECTS	1:15 PM - 1:30 PM	
11.1.	Official Community Plan and Land Use Bylaw Amendment Project - Staff Report		33 - 45
12.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
13.	NEW BUSINESS - none		
14.	REPORTS	1:30 PM - 1:50 PM	
14.1.	Trust Conservancy Report - none		
14.2.	Applications Report dated May 31, 2022		46 - 52

14.3.	Trustee and Local Expense Report dated March, 2022	53 - 53
14.4.	Adopted Policies and Standing Resolutions	54 - 58
14.5.	Local Trust Committee Webpage	
15.	WORK PROGRAM	1:50 PM - 2:10 PM
15.1.	Top Priorities Report dated May 31, 2022	59 - 60
15.2.	Projects List Report dated May 31, 2022	61 - 63
16.	INFORMATION ITEMS - none	
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting Scheduled for Friday, September 9, 2022 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC	
18.	ADJOURNMENT	



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: May 6, 2022

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

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

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

Others Present: Wendy Burton, Chair of the Hornby Island Advisory Planning Commission
Approximately three (3) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:35 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees and Staff, and welcomed members of the public, noting that the meeting was being recorded for posting on the Islands Trust website.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add item 10.1 Budget for Official Community Plan Targeted Review

By general consent the agenda was adopted as amended.

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

Chair Fast rose and reported that at the last in-camera meeting, in response to a request from Senior Intergovernmental Policy Advisor Lisa Wilcox for the Hornby Island Local Trust Committee (LTC) to support the K'ómoks First Nation Cultural Heritage Policy, the following motion was passed:

HO-IC-2021-007

It was MOVED and SECONDED,

1. that the Hornby Island Local Trust Committee request staff to develop an internal policy for approval consideration by the Denman Island Local Trust Committee that:
 - a. initiates an internal information-sharing process with the K'ómoks First Nation so they may consider siting and use permit applications with the Policy;

- b. requires on receipt of a complete siting and use permit application that Staff forward to the K'ómoks First Nation within 20 days a copy of the Siting and use permit application with personal information redacted for K'ómoks First Nation review;
 - c. requires any feedback from the K'ómoks First Nation be provided in writing by no later than 60 days after the date the Siting and Use Permit application was sent to the K'ómoks First Nation; and
 - d. states that, despite this information-sharing process, the Hornby Island Local Trust Committee remains the decision-maker and will process Siting and use permit applications as per the Islands Trust Act, its policies, procedures and bylaw requirements.
2. That the Hornby Island Local Trust Committee rise and report in open meeting on its decision on sharing of Siting and Use Permits with K'ómoks First Nation.

CARRIED

4. REPORTS

4.1 Trustee Reports

Trustee Scott reported on the following:

- Attendance at the last Trust Council meeting involved many differences of opinion regarding the Governance Management Review, the draft Trust Policy Statement, and the recently passed Trust budget.
- Plans to attend an upcoming May 11, 2022 meeting in Victoria with Cabinet Ministers Josie Osborne and Rob Fleming to discuss ferry safety liability issues and the possibility for a larger ferry; Karen Ross and Denman Island Trustee David Critchley also plan to attend.

Trustee Allen reported on the following:

- Attendance at the last Trust Council meeting where there was much interesting, divisive, and challenging commentary.
- Involvement with and support of the Governance Management Review.

4.2 Chair's Report

Chair Fast reported on the following:

- 'Trust Council Decision Highlights' document on page 104 of the present LTC agenda.
- Recent participation as Vice-Chair of the four-member Executive Committee of the Trust Council.
- Chairing the Gambier Island Local Trust Committee meeting recently held in North Vancouver.
- Chairing the Denman Island Local Trust Committee recent special 'Farm' meeting.
- Chairing Bowen Island Council meetings whose municipal budget will likely be increased by 7.8 percent this year.
- Recent attendance at the Howe Sound Community Forum as part of a biosphere region within the Unesco Biosphere Reserve.
- Attendance at the April 1, 2 and 3, 2022 Association of Vancouver Island and Coastal Communities and the Local Government Leadership Academy Convention in Victoria.

- Difficulties for elected officials across British Columbia due to social media issues.

4.3 Electoral Area Director's Report

None

5. TOWN HALL

Members of the public commented on the following:

- Acquiring Crown land for a mobile home park may be the quickest, cheapest, most feasible affordable housing solution. The land could be moved from the Public Use PU (a) zone to Public Use (PU) zone and the zoning could be made flexible, acceptable, and specific to the needs of Hornby Island. This rezoning needs to occur quickly to accommodate young people, elders and people living in the bush, whose campfires may endanger the entire island.
- The present Advisory Planning Commission is biased against short term vacation rentals (STR)s and have overlooked 2012 and 2017 community consultation records of support for STRs. Why is the issue being revisited when it was so thoroughly addressed in the recent past? Also, the current meeting process of the APC is non-representative of a broad selection of the community.
 - Trustee Grant noted that there would be upcoming extensive community consultations on the APC recommendations.
- Speaking as a designated speaking alternate for Electoral Area Director Daniel Arbor, Karen Ross reported that the Comox Valley Regional District (CVRD) was presently conducting a region wide review of BC transit services; that Denman and Hornby Islands were missing from the last 2014 review; and, that it is important that the Trust get involved given that many members of the Hornby public need local bus service.
- The LTC needs to consider rezoning options for affordable housing projects as a top priority.
- Regarding the Temporary Use Permit (TUP) for the smoke/fish shop, will the TUP be reissued?
 - Chair Fast invited the member of the public to contact a planner.
- A petition regarding Seawright Road was in process.

6. DELEGATIONS

6.1 Wendy Burton for Advisory Planning Commission Recommendations

APC Chair Wendy Burton presented the recently completed four-page APC report titled 'Housing and Short Term Rentals Recommendations from Hornby Island Advisory Planning Commission March 29, 2022,' noting that considerable time had been spent seeking community input and that the following resource persons with a voice but no vote had attended the APC meetings regularly over 5 months: Sadie Chezenko and April Lewis, members of the Hornby Island Housing Society; Katherine Ronan and Rudy Rogalsky, members of the Board of the Hornby Island Community Economic Enhancement Corporation (HICEEC); and Patrick Lui, Secretary of the Hornby Island Short Term Rental Association (HISTRA); and, that written submissions were received from Tony Law, Ed Hoepfner, Gina Horvath, and Fred Hunt.

Chair Fast and Trustees thanked the APC for their report.

7. MINUTES

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

By general consent the Local Trust committee meeting minutes of February 18, 2022 were adopted.

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

Received.

7.3 Advisory Planning Commission Minutes - for receipt

7.3.1 January 14, 2022

7.3.2 January 28, 2022

7.3.3 February 11, 2022

7.3.4 February 25, 2022

7.3.5 March 18, 2022

7.3.6 March 29, 2022

Received.

8. BUSINESS ARISING FROM MINUTES

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

Chair Fast noted that Senior Intergovernmental Policy Advisor Lisa Wilcox had moved on to other work.

8.2 Fees Bylaw No. 169 - Update - Staff Report

Regional Planning Manager Kauer presented the staff report that recommends that Trustees adopt the updated fees bylaw.

HO-LTC-2022-018

It was MOVED and SECONDED,

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

CARRIED

HO-LTC-2022-019

It was MOVED and SECONDED,

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

CARRIED

HO-LTC-2022-020

It was MOVED and SECONDED,

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

CARRIED

HO-LTC-2022-021

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 169, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

8.3 Siting and Use Permit Bylaw - Staff Report

Regional Planning Manager Kauer presented the staff report on the updated Siting and Use Permit Bylaw 168 which removes outdated references and processes contained in the older Siting and Use Permit bylaw and which adds a new requirement that site plans within 1 meter of a required setback be professionally drawn rather than hand drawn by the applicant to reduce error.

HO-LTC-2022-022

It was MOVED and SECONDED,

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.

CARRIED

HO-LTC-2022-023

It was MOVED and SECONDED,

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.

CARRIED

HO-LTC-2022-024

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 168, cited as “Hornby Island al Trust Committee Siting and Use Permit Bylaw 168, 2021”, be read a third time.

CARRIED

HO-LTC-2022-025

It was MOVED and SECONDED,

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.

CARRIED

8.4 Islands Trust Ferry Terminal Signage - for discussion

Chair Fast, Trustees, and Regional Planning Manager Kauer noted the following:

- The original ferry sign at Buckley Bay which included requesting visitors to Denman and Hornby to be protective of the sensitive ecology of the islands has been lost for many years and BC Ferries does not know what happened to it.
- K’ómoks First Nations had previously suggested that they be contacted for comment about welcome/entry signs after a sign is designed.

- The Islands Trust Draft Communications Policy is not completed yet.
- Claire Frater manages Islands Trust signage and may have a data base of signs.
- HIRRA has another concept for a sign.

9. APPLICATIONS, REFERRALS AND BYLAWS

9.1 Bylaw No. 166 - for consideration of adoption

Regional Planning Manager noted that this bylaw regarding minimum average lot areas, had already gone through all three readings and executive and ministry approval, and was being presented to Trustees for final adoption.

HO-LTC-2022-026

It was MOVED and SECONDED,

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

CARRIED

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

9.2.1 Staff Report dated February 18, 2022

Regional Planning Manager Kauer presented the staff report which asks that Trustees approve the application from Hornby Island Resort for variances for a building height extension and a sewage disposal field setback decrease.

The applicant joined the meeting after the presentation of the staff report at 11:56 am and spoke on the application.

Trustees expressed support for the height variance but concern about future wind and tide erosion of the proposed septic field variance; and, questioned if K’ómoks First Nations had fully approved the variances, given that the staff report dated February 18, 2022 was being re-presented today without updates.

- Regional Planning Manager Kauer responded that staff had received, only two days ago, an email correspondence from Todd Boychuk, K’ómoks Director of Intergovernmental Relations, and could forward this email to Trustees if K’ómoks First Nations approved the forwarding of the email; and, that she could confirm that the correspondence indicated K’ómoks First Nation had no concerns with the variances.

HO-LTC-2022-027

It was MOVED and SECONDED,

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

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Budget for Official Community Plan Targeted Review

Regional Planning Manager presented on a whiteboard the process of turning APC recommendations into formal bylaws within a budget of \$15,000, noting the following:

- that referral to First Nations and a Public Hearing and public readings of the bylaws were required by legislation, but that other or extra forms of public engagement were discretionary.
- that hiring a consultant to draft bylaws at \$150.00 per hour for 100 hours could take up the entire budget. There may be some limited capacity for a planner to draft bylaws.
- Public hearings cost approximately \$800.00; survey monkey is very low cost; First Nations expect money for their time spent looking at LTC referrals.
- Part of the budget could go to a public meeting facilitator.
- For online surveys, there was a system to ensure only one response per IP address.

APC Chair Burton and Trustees agreed that a public information meeting was better held before any drafting of bylaws.

- A member of the public noted that off island property owners needed access to the public engagement process.

HO-LTC-2022-028

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to develop a Project Charter with a detailed work plan based on the Advisory Planning Commission recommendations.

CARRIED

The meeting recessed at 12:30 pm and reconvened at 12:52 pm.

11. CORRESPONDENCE

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

Received.

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

Received.

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

Received.

12. NEW BUSINESS

12.1 Annual Report - Staff Report

HO-LTC-2022-029

It was MOVED and SECONDED,

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.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated January 25, 2022

13.1.1 The Heron - Spring 2022

Chair Fast noted that William Tempest of Victoria had recently left 10% of his estate to the Islands Trust Conservancy.

13.2 Applications Report dated April 26, 2022

Received.

13.3 Trustee and Local Expense Report dated February, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

None.

14. WORK PROGRAM

14.1 Top Priorities Report dated April 26, 2022

It was noted that Hornby Island was the only Gulf Island with a Municipal Regional District Tax (MRDT) 'Pillow' tax.

HO-LTC-2022-030

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to find out whether the Municipal Regional District Pillow tax needs support and approval from the Local Trust Committee on top of Comox Valley Regional District approval, or not.

CARRIED

Regional Planning Manager Kauer noted that Katherine Ronan would be meeting with planning staff for a pre-application meeting regarding the rezoning of a piece of land proposed for affordable housing, adding that people who are not the owners of a parcel of land can apply for its rezoning with the owner's permission.

14.2 Projects List Report dated April 26, 2022

Regional Planning Manager Kauer clarified that land zoned agriculture is not necessarily also in the Agriculture Land Reserve and the two categories have different rules around second dwellings.

15. INFORMATION ITEMS

15.1 Islands Trust Council Decision Highlights - March 2022

[Decision Highlights](#)

Received

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

17.1 Motion to Close the Meeting

The regular meeting was closed at 1:12 pm.

HO-LTC-2022-031

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (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.

CARRIED

17.2 Recall to Order

The meeting was reconvened at 1:28 pm.

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:29 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder

DRAFT

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-Jan-2020

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

10-Dec-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Hornby Island

10-Dec-2021

Activity	Responsibility	Dates	Status
1 That 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

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		Completed
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		Completed

Follow Up Action Report

Hornby Island

18-Feb-2022

Activity	Responsibility	Dates	Status
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		Completed

06-May-2022

Activity	Responsibility	Dates	Status
1 The Hornby Island Local Trust Committee Fees Bylaw No. 169 was given 3 Readings and forwarded to EC for approval.	Becky McErlean Heather Kauer		Completed
2 Hornby Bylaw No. 166, an OCP amendment to clarify language related to Minimum Average Lot Area, received final adoption by the LTC.	Becky McErlean Teresa Mahikwa		Completed
3 Hornby Siting and Use Permit bylaw No. 168 given three readings and forwarded to the Executive Committee for approval.	Becky McErlean Heather Kauer		Completed
4 Staff research whether the MRDT "pillow" tax would need support and / or approval from the Islands Trust Local Committee.	Heather Kauer		In Progress

File No.: 6500-20
(Siting and Use Permit Bylaw)

DATE OF MEETING: June 10, 2022
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Proposed Siting and Use Permit Bylaw No. 168

RECOMMENDATION

1. That Hornby Island Local Trust Committee Bylaw No. 168, cited as "Hornby Island Local Trust Committee Siting and Use Permit Bylaw No 168, 2021", be adopted.

REPORT SUMMARY

The purpose of this report is for the Hornby Island Local Trust Committee (LTC) to consider adoption of Bylaw No. 168, which would replace Bylaw No. 52 (LTC Siting and Use Permit Bylaw) to:

- To increase the quality of application submittals received with Siting and Use Permit applications thereby reducing the amount of time staff spent reviewing these types of permits.

BACKGROUND

Bylaw No. 168 was given first, second, and third readings on May 6, 2022. Executive Committee approved the bylaw on May 25, 2022 and the bylaw is now back on the LTC agenda for consideration of adoption.

Submitted By:	Heather Kauer Regional Planning Manager	May 27, 2022
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ATTACHMENTS

1. Proposed Bylaw No. 168

File No.: 6500-20
(Fees Bylaw)

DATE OF MEETING: June 10, 2022
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Proposed Fees Bylaw No. 169

RECOMMENDATION

1. That Hornby Island Local Trust Committee Bylaw No. 169, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2022”, be adopted.

REPORT SUMMARY

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

- To better align development application fees with resourcing.

BACKGROUND

Bylaw No. 169 was given first, second, and third readings on May 6, 2022. Executive Committee approved the bylaw on May 25, 2022 and the bylaw is now back on the LTC agenda for consideration of adoption.

Submitted By:	Heather Kauer Regional Planning Manager	May 27, 2022
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ATTACHMENTS

1. Proposed Bylaw No. 169

File No.: HO-SUP-2022.3 (Wyndham)
x-ref HO-SUP-2021.15

DATE OF MEETING: June 10, 2022

TO: Hornby Island Local Trust Committee

FROM: Stephen Baugh, Planner 2
Northern Team

SUBJECT: **Request for waiver of Survey requirement for
Development Permit application HO-DVP-2022.3 (Wyndham)**
Applicant: Tim Wyndham
Location: 975 Mount Rd, Hornby Island

RECOMMENDATION

1. That the Hornby Island Local Trust Committee has determined that it is reasonably necessary that the applicant of HO-DVP-2022.3 (Wyndham) provide, as required by Section 2.7(1) of the Hornby Island Land Use Bylaw No. 150, a plan, a plan signed by a B.C. Land Surveyor, showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider the applicant's request to waive the requirement for a current plan signed by a B.C. Land Surveyor (BCLS) as required in Section 2.7(1) "Siting Compliance" of the Hornby Island Land Use Bylaw No. 150, 2014 for a Development Variance Permit (DVP). To date, no site survey has been submitted with this DVP application, and so the application remains incomplete. Thus, the LTC is not asked to consider issuance of HO-DVP-2022.3 (Wyndham) at this time.

The applicant has requested that the LTC waive the requirement for a current plan by a BCLS. Staff feel that receipt of a plan signed by a BCLS is reasonably necessary in order to determine the setbacks of buildings and structures from lot lines and the natural boundary of watercourses, which are the subject of the DVP application.

BACKGROUND

In 2021 the applicant applied for a Siting and Use Permit for a new Single Family Dwelling. In the course of this review the Planner assigned to the file recognized that the subject property was located within the wetland mapping shown on Schedule D1 of the Hornby Island Official Community Plan (OCP) which is subject to a 30m setback. As a result the property does not contain any buildable area and the applicant was informed of the need for a variance for the proposed structures before a SUP could be issued. The SUP application is currently in abeyance until the DVP application has been processed.

Upon receipt of the DVP application two existing accessory buildings shown on the site plan were identified as being sited within lot line setbacks which would also require a variance in order to comply with the LUB. A Biophysical Assessment of the property by a Registered Professional Biologist was submitted in support of the DVP application which indicate the presence of a stream with two reaches, two wetlands, a ditch, a constructed pond

and a dug channel. In addition to the 30m setback from the wetland mapping in Schedule D of the OCP, the LUB requires buildings and structures to be setback 15m from the natural boundary of a watercourse.

The applicant has provided the following rational for the request which is attached in full as Attachment 2 to this report:

- The cost of a survey would add to the overall cost of seeking the variance; and
- The corner pins are evident

Figure 1 Subject property outlined in yellow.



ANALYSIS

Land Use Bylaw:

Section 2.7 of the LUB:

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

This is a requirement that is found in many LUBs throughout the Islands Trust. DVPs are documents that are registered on title, so site plan accuracy is important for determining compliance with the Bylaws. If there is anything that is identified on the survey as non-conforming to the Bylaw regulations (in addition to the known

variances), it will either need to be addressed by the DVP application as well or else clearly labelled so that there is no confusion that the Permit covers a variance for it to remain as non-conforming.

Issues and Opportunities

For Development Variance Permits, staff rely on the accuracy of a B.C. Land Surveyors' measurements to determine the boundaries of the land and the location of all existing and proposed buildings and structures. These measurements are used to produce DVPs which are then registered on title, as this application pertains to the specific location of buildings on the lot a survey would provide the benefit of a qualified professional certifying that the location of the buildings are accurately plotted. In addition, Building Permits are not issued on Hornby Island and a DVP application is an opportunity for staff, the applicant, the LTC, and the community to receive greater assurance that the development will be/has been constructed as shown on a survey certificate and that siting and bylaw compliance is achieved.

Rationale for Recommendation

Staff consider that a survey signed by a B.C. Land Surveyor is reasonably necessary to establish whether the buildings and structures comply with the requirements of the bylaw for the following reasons:

- A survey will confirm whether required setbacks are being achieved, in particular those setbacks to the natural boundary of watercourses on the property and lot lines
- A survey will ensure that the proposed variance permit contains accurate measurements and allow staff to identify if any additional variances should be addressed

ALTERNATIVES

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

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

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

Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee waive the requirement for a survey plan signed by a B.C. Land Surveyor and direct staff to proceed with Development Variance Permit application HO-DVP-2022.3 (Wyndham).

NEXT STEPS

Subject to the LTC's concurrence with staff's recommendation on page 1 of this report, staff will advise the applicant that their application will remain incomplete and "in abeyance" until a site survey signed by a B.C. Land Surveyor is received. Upon receipt of the site survey, staff will review and process the DVP request and return to the LTC for consideration at an LTC meeting.

Submitted By:	Stephen Baugh, Planner 2	May 24, 2022
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Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	May 25, 2022
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ATTACHMENTS

1. Site Context
2. Written Request from Applicant

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 4A, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 28762
PID	001-728-717
Civic Address	975 Mount Rd, Hornby Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to East, South and West, Agriculture (ALR) adjacent to the northern property line

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2021.15	New Single Family Dwelling (In Abeyance)

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential (RR) No DPAs on property
Land Use Bylaw	Residential 2 (R2)
Other Regulations	3.3 Siting and Setback Regulations (2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea. (3) Despite Subsection 3.3(2) no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D (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. 8.2 Residential 2 – Large Lot (R2) Zone Siting and Size (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from any interior side lot line; and (d) 8.0 metres from any exterior side lot line.
Covenants	No Covenants on Title

Bylaw Enforcement	None
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SITE INFLUENCES

Islands Trust Conservancy	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.
Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is LOW. 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	SAR Critical Habitat – Northern Myotis and Little Brown Myotis SAR Species – Coastal Wood Fern
Sensitive Ecosystems	None Mapped
Archaeological Sites	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This DVP application seeks to lawfully site residential structures on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island. Application is accompanied by a Biophysical Assessment which states the development has not impacted identified Environmentally Sensitive Areas on the property.
Shoreline Classification	Not Applicable

ATTACHMENT 2 – WRITTEN REQUEST FROM APPLICANT

From: timothy wyndham <twyndham@telus.net>
Sent: Wednesday, May 4, 2022 11:15 AM
To: Stephen Baugh
Subject: Survey

Good Morning Stephen

Further to our discussion regarding the development variance #HO-DVP-2022.3 and whether we need a legal survey , I would like to request that you kindly send the information off to our local island trust representatives to see if a survey is necessary. I realize that this may delay the process of our application . If a survey is decided to not be necessary then this will help to pay the cost of the environmental mapping and survey to contest the Schedule D1 of the OPC that declared our property a wetland.

In my experience as a builder on Hornby for the last 40+ years a survey has seldom been asked for. The property corner pins are evident and none of our out buildings built in the 1980's and that are in some of the setbacks and are shown on our site plan are impacting our neighbours.

Thank you for considering our request.

Tim Wyndham

File No.:HO-SUB-2022.2

(P. Mason for Aikman & Mace)

DATE OF MEETING: June 10, 2022

TO: Hornby Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: 10% Lot Frontage Waiver Request for Application HO-SUB-2022.2

RECOMMENDATIONS

1. That, per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the “Proposed Lot 1” in the proposed subdivision layout plan for HO-SUB-2022.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider exempting one of two lots in a proposed subdivision layout plan for application HO-SUB-2022.2, from Hornby Island Land Use Bylaw (LUB) regulation 6.6(1), in order to permit the lot to have less than a 10% frontage on a highway. Staff are recommending approval of the exemption to meet the minimum 10% lot frontage requirement.

BACKGROUND

The applicant has applied to the Ministry of Transportation and Infrastructure (MOTI) for a conventional, 2-lot subdivision, and the application was forwarded to Islands Trust for review. Upon review and providing a preliminary response to MOTI, Planning staff identified that one of the two proposed lots (“Proposed Lot 1”) was a panhandle lot and would not meet the LUB requirement for the minimum 10% lot frontage on a highway, and would therefore require an exemption from the Hornby LUB for that requirement.

ANALYSIS

Policy/Regulatory

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

Land Use Bylaw (LUB)

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

PART 6 – SUBDIVISION REGULATIONS

6.6 – Lot Frontage and Lot Shape

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

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

Attachment 1 (the proposed subdivision plan) the proposed layout plan for the 2 proposed lots: “Proposed Lot 1” is 3.3 hectares (8.15 acres); and “Proposed Lot 2” is 1.0 hectare (2.47 acres).

- “Proposed Lot 1” total perimeter = 737.14m (excluding the panhandle strip). 10% = 73.71m. Proposed frontage is 10.0m along St. Johns Point Road (the panhandle access), and 10.0m of second frontage is still available along Belcarra Road. However, as the total proposed frontage is only 20.0m, and much less than the required 10% of the total perimeter, **this proposed lot requires an LTC exemption from meeting regulation 6.6(1).**
- “Proposed Lot 2” total perimeter = 425.95m. 10% = 42.6m. Proposed frontage is approximately 87.5m along St. Johns Point Road, and is therefore greater than 10% of the total perimeter. Thus, no lot frontage exemption would be required for this proposed lot.

As noted in the site context (Attachment 2), the proposed subdivision appears to meet the other LUB zone and subdivision requirements, including minimum lot area, minimum average lot area, lot dimensions, density, minimum frontage (at least 10.0m width of a panhandle access), and requirements for double-frontage lots (no *additional* double-frontage lots may be created by subdivision).

Issues and Opportunities

Existing Buildings and Structures

As Staff responded to MOTI during the initial referral review of the proposed subdivision, the proposed subdivision layout plan (Attachment 1), shows that Proposed Lot 1 (3.30 ha) has an existing “dwelling”, “bunk house”, “trailer”, and “shed”; and further, BC Assessment appears to classify the existing dwelling as a “duplex”. Staff note that in the R2 zone, there can be a maximum of one residential dwelling unit per lot having an area of less than 4.0 hectares, and a maximum of two dwelling units per lot having an area of 4.0 hectares or larger.

Therefore, although the parent parcel is currently > 4.0 hectares and is permitted to have a maximum of two dwelling units (e.g. a duplex), staff emphasize that should the subdivision be approved, proposed Lot 1 would only be permitted to have a maximum of 1 residential dwelling unit (i.e. a duplex would no longer be permitted). Any dwelling units in excess of the principal dwelling unit would need to be decommissioned. A maximum of 1 residential dwelling unit would also be permitted on Proposed Lot 2.

Thus, to address this, Staff have provided comments to MOTI that a condition of the PLR should be that: No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision.

Panhandle Lots & Access

Creating a “panhandle lot” during subdivision is not an uncommon way to provide lot access, and as such, there are specific subdivision regulations in the Hornby LUB for their creation. As “Proposed Lot 1” is only 3.3 ha in size, it would not be large enough to be further subdivided (a minimum of 4.0ha is required in the R2 zone), and therefore LUB regulation 6.6(3) applies. As shown in Attachment 1 (Subdivision Plan) and noted in Attachment 2 (Site Context), the current proposal has a 10.0m-wide panhandle, which complies with LUB regulation 6.6(3).

Rationale for Recommendation

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

Alternatives

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

1. Request further information

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

That the Hornby Island Local Trust Committee request the following information [list] for HO-SUB-2022.2.

2. Deny the exemption request

The LTC may deny the exemption request. The applicant would then need to revise their subdivision layout plan to create additional frontage for “Proposed Lot 1” along St Johns Point Road.

That the Hornby Island Local Trust Committee deny the request to exempt the “Proposed Lot 1” in the subdivision layout plan for HO-SUB-2022.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will advise MOTI that the LTC has granted the exemption for “Proposed Lot 1” and can therefore update their layout/approval conditions.

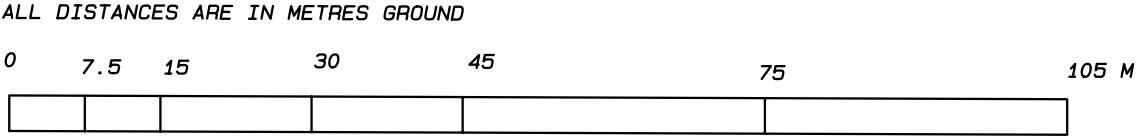
Prepared and Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	May 18, 2022
Concurred in By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	May 18, 2022

ATTACHMENTS

1. Proposed Subdivision Plan (dated January 20, 2022 by Peter Mason, BCLS)
2. Site Context

PROPOSED SUBDIVISION OF LOT 4,
SECTION 9, HORNBY ISLAND, NANAIMO
DISTRICT, PLAN 25736

PURSUANT TO SECTION 68 OF THE LAND TITLE ACT
BCGS 92F.027.2.4.1



SCALE OF 1: 750

THE INTENDED PLOT SIZE OF THIS PLAN IS
560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE)
WHEN PLOTTED AT SCALE INDICATED ABOVE.

LEGEND

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- ▲ DENOTES 0.20 GALVANIZED SPIRAL SPIKE

UTM COORDINATE TABLE
DATUM: NAD83 (CSRS) (1997) UTM (NORTH) ZONE 10
POINT GSP SPIKE 137 N 5488005.61 E 382305.34 POINT COMBINED FACTOR 0.99977040 ESTIMATED ABSOLUTE ACCURACY 0.044
POINT GSP SPIKE 102 N 5487840.57 E 381843.43 POINT COMBINED FACTOR 0.99977054 ESTIMATED ABSOLUTE ACCURACY 0.044

GRID BEARINGS ARE DERIVED FROM DUAL FREQUENCY DIFFERENTIAL
GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN
OF UTM ZONE 10 (123 DEGREES WEST LONGITUDE)

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES, UNLESS
OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY
GROUND-LEVEL DISTANCE BY THE AVERAGE COMBINED FACTOR OF
0.99977047 THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED
BASED ON AN ELLIPSOIDAL ELEVATION OF 2.19 METRES

THE UTM COORDINATES AND ESTIMATED ABSOLUTE HORIZONTAL POSITIONAL
ACCURACY ACHIEVED ARE DERIVED FROM DUAL FREQUENCY OBSERVATIONS
AND CSRS-PPP (3.50.0 (2021-03-10) CALCULATION

PLAN EPP118070
PRELIMINARY

ANDERSON DRIVE

LOT 14
PLAN 23616

LOT 15
PLAN 23616

LOT 1
PLAN 25736

LOT 6
PLAN 25736

SECTION 9

LOT 3
PLAN 25736

HORNBY ISLAND

NANAIMO DISTRICT

LOT 5
PLAN 25736

PROPOSED
LOT 2
1.000 HA

ST. JOHNS POINT

STRATA PLAN VIS1187

LOT 12
PLAN 25736

ROAD

PETER T. MASON
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 185
BOWSER, B.C.
V0R 1G0
TEL: (250) 757-8788
EMAIL: SURVEYOR-ARK@UNISERVE.COM
FILE: 22-4286.DWG: \drawgs\EP118070.PRE

THIS PLAN LIES WITHIN THE JURISDICTION OF
THE APPROVING OFFICER FOR THE
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
MOTI FILE NUMBER: 2022-00090

CERTIFIED CORRECT

SURVEYED BY PETER T. MASON, B.C.L.S.
PREPARED BY PETER T. MASON, B.C.L.S.

LOCATION

Legal Description	LOT 4, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736
PID	002-658-437
Civic Address	2060 Belcarra Road, Hornby Island
Lot Size	4.31 hectares (10.64 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to the west, north, and east; regional park land and residential use to the south

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2005.8 (closed)	To construct a new residential dwelling unit (secondary dwelling unit was existing, as was an accessory building and a studio).

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) No. 149, 2014	Land Use Designation: RR – Rural Residential OCP Schedule D2: The property is within Aquifer IA “Heavily developed, high vulnerability” and partially within a recharge zone; though IT Aquifer Intrinsic Vulnerability Mapping maps this property as “Moderate” to “Moderately High” OCP Schedule E – Development Permit Areas: Not currently within any DPAs
Hornby Island Land Use Bylaw (LUB) No. 150, 2014	Zone: Residential 2 – Large Lot Residential (R2) The current proposed subdivision layout plan is such that one of the two proposed lots (currently referred to as “Proposed Lot 1”) requires a waiver from the LTC under LUB regulation 6.6(1): PART 6 – SUBDIVISION REGULATIONS 6.6 – Lot Frontage and Lot Shape (1) “The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the Local Government Act.” Proposed Lot 1: Total perimeter = approx. 737.14m (excluding the panhandle access strip). Minimum 10% required frontage = 73.71m. Currently proposed frontage is 10.0 m along St Johns Point Road (the panhandle access), and additional frontage is approximately 10.0m along Belcarra Road. Thus, proposed total frontage on a highway = approx. 20.0m. Frontage exemption required.

	LUB regulation 6.6(3) provides: “If a proposed panhandle lot is not capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 10.0 metres.” Proposed Lot 1 is a panhandle lot, but because it is not capable of further subdivision (it would need to be at least 4.0 ha in order to further subdivide), it is permitted to have a 10.0 m wide panhandle strip, which is the width currently proposed. Proposal complies with the Bylaw. LUB regulation 6.9(1) provides: “No additional lot having frontage on more than one highway other than a corner lot may be created by subdivision.” Proposed Lot 1 is a double-frontage lot, as it has access to both Belcarra Road, and a panhandle access strip which connects it to St. Johns Point Road. However, as the existing parent parcel already is considered to have double-frontage, the proposed subdivision is not adding any additional lot which has double-frontage because Proposed Lot 2 has frontage along St Johns Point Road only. Therefore, the proposal complies with the Bylaw.
Other Regulations	N/A
Covenants	None.
Bylaw Enforcement	No active or historical BE files on record.

SITE INFLUENCES

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

			
Sensitive Ecosystems	None mapped.		
Hazard Areas	None mapped.		
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.		

File No.: 6500-20
HO OCP/LUB Review

DATE OF MEETING: June 10, 2022
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Report subject: Hornby Island OCP Amendments Review Project Charter

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the Hornby Island Official Community Plan Amendments Review Project Charter v.1.0, dated June 10, 2022.
2. That the Hornby Island Local Trust Committee add the following to the Projects List:
 - a. Review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads; and
 - b. A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021.

REPORT SUMMARY

The purpose of this report is to provide options to the LTC regarding the processing of recommendations from the Hornby Island Advisory Planning Commission for OCP and LUB amendments and to recommend a project charter for endorsement by the LTC.

BACKGROUND

At their March 26, 2021 meeting, the LTC passed the following resolution:

HO-2021-033

It was **MOVED** and **SECONDED**,

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

CARRIED

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

HO-2021-065

It was **MOVED** and **SECONDED**,

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

CARRIED

At their December, 2021 quarterly meeting, Trust Council reviewed the draft business case for the Hornby Island OCP project and approved-in-principle \$15,000 for the project as described in the draft business case.

At their December 10, 2021 meeting, the LTC passed the following resolutions:

HO-2021-073

It was MOVED and SECONDED,

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

CARRIED

HO-2021-074

It was MOVED and SECONDED,

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

CARRIED

At their February 18, 2022 meeting, the LTC passed the following resolutions:

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

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

At their March, 2022 meeting, Trust Council approved \$15,000 for fiscal year 2022/23 for the Hornby Island OCP Amendments Review Project.

At their May 6, 2022 meeting, the LTC passed the following resolution:

HO-LTC-2022-028

It was **MOVED** and **SECONDED**,

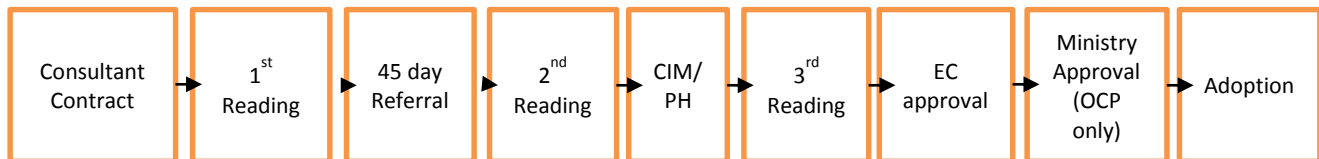
that the Hornby Island Local Trust Committee request staff to develop a Project Charter with a detailed work plan based on the Advisory Planning Commission recommendations.

CARRIED

ANALYSIS

The business case that was endorsed by the LTC (see Attachment 1) and formed the basis for Trust Council's decision to fund the OCP project was based on a few assumptions:

- Most of the \$15,000 budget would go towards paying a consultant to draft and process bylaws with only those public engagement activities that are required by legislation or Trust Council policy;
- The scope of the project would consider amending the OCP and LUB based on recommendations by the APC regarding four limited and specific topics;
- Little to no Islands Trust staff time would be available in fiscal year 2022/23 to devote to this project;
- The process to amend the bylaws would include the legislatively required procedural steps as follows:



The business case did not include the following assumptions:

- That the scope of the OCP project would include:
 - o a consideration of wetland categories; or
 - o consideration of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Houston Roads;
- That the process would include a community workshop or any other public engagement activity beyond those required by legislation or policy.

Since the endorsement of the business case for this project, there has been significant turnover in staff at Islands Trust, which results in a situation where there is even less staff time available to contribute to this project in the current fiscal year than was estimated when the business case was drafted.

The project charter that staff is recommending assumes that a consultant would be hired to draft and process bylaws because this is consistent with the business case and the current staffing situation. At the LTCs last meeting, a Community Workshop was discussed as a possible procedural step to be taken prior to the drafting of bylaws. The project charter that staff is recommending includes an electronic community workshop as costs for consultant travel to the Island and overnight accommodation would impact the budget such that the consultant might not be available to facilitate a public hearing. If the LTC wanted the consultant to facilitate an in-person community workshop, staff believe this could be added to the scope of the project but it would have at least two challenging impacts:

1. It would take away budget that would otherwise go towards the consultant's time for drafting and processing bylaws;
2. It would extend the estimated timeline for the project.

\$15,000 is estimated to be enough money to have a consultant draft bylaws and staff reports and attend LTC meetings to present these documents. A single, in-person community workshop facilitated by a consultant is estimated to cost approximately \$5,000.

With these things in mind, staff's recommended project charter is based on the business case endorsed by the LTC and funded by Trust Council, as well as an analysis of staff time available for the project. Attachments 3 and 4 represent a breakdown of the estimated number of labour hours needed for the tasks involved in this project with an electronic workshop vs. an in-person workshop.

Options

The LTC has the option of revising the work plan to include one or more community workshops led by a consultant in fiscal year 2022/23. The result of this option would be a reduction in the amount of consultant hours available to draft and process bylaws. Reduced consultant hours for this work in this fiscal year would extend the estimated completion date of the project because it would result in:

- a. Staff having to take up the drafting and processing of bylaws and staff reports and attending LTC meetings, when staff time is available, or
- b. More money would need to be requested from next years' budget to continue the consultant's work.

Rationale for Recommendation

Staff are recommending that the scope of the OCP project include only those topics that were reviewed by the APC and that the budget be spent consistent with the business plan endorsed by the LTC and that informed the Trust Council decision to provide budget to the LTC for the project. The legislative requirements for public engagement provide multiple opportunities throughout the project for the public to provide comment and ask questions including each LTC meeting, APC meetings, the CIM and the Public Hearing. The public are also welcome to ask questions and make comments throughout the life of the project outside of meetings. Written comments will end up on the Islands Trust website and be forwarded to the LTC.

ALTERNATIVES

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

1. Add one or more Community Workshops to the scope of the project

The LTC may wish to add one or more Community Workshops to the project work plan. This would extend the estimated completion date of the project as it would require more work to be done on bylaw drafting by Islands Trust staff and availability of staff time is currently limited. A resolution could be as follows:

"That the Hornby Island Local Trust Committee amend the draft Official Community Plan Amendments Review Project Charter v. 1.0 to include a Community Workshop prior to the drafting of bylaws."

2. Ask for more information

Alternatively the LTC could ask staff to report back with more detailed information prior to finalizing the project scope.

NEXT STEPS

Subject to concurrence with the staff recommendations, staff would solicit expressions of interest from consultants.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 1, 2022
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ATTACHMENTS

1. Business Case
2. Recommended Project Charter / Work plan v. 1.0
3. Work Plan consistent with Business Case
4. Work Plan including one in-person Community Workshop



Budget Funding Request Short-Form Business Case

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

TO BE COMPLETED BY INITIATOR

Initiated by:

Heather Kauer
On behalf of the HO LTC

Business Area:

Hornby Island Local Trust Committee – LTC projects

Name of Request:

HO LTC – Hornby OCP amendment Review

2022/23 - \$15,000

Budget Source (select all that apply):

☒ **Specific Project Funding**

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

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software**

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

☐ **Permanent**

☐ **Temporary**

Temp Duration: _____

☒ **Other – please describe:**

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

Date initiated: December, 2021

Date required: April, 2022 -March 31, 2023

BACKGROUND:

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

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

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

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

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

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

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

HO-2021-065

It was MOVED and SECONDED,

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

CARRIED

At their December, 2021 meeting, Trust Council passed the following resolution:

That the \$15,000 for the Hornby Island Official Community Plan Review be put back into the 2022/2023 draft budget.

On December 10, 2021, the LTC endorsed this business case with the following motion:

HO-2021-074

It was MOVED and SECONDED,

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

CARRIED

PROBLEM STATEMENT/OBJECTIVES:

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

PROJECTED RESULTS/DELIVERABLES:

Funding request (FY22/23)	Target Duration	Cost
Consultant Contract – Bylaw drafting and processing through legislated process including required public engagement.	Over the course of 2022	\$12,000

Technology (mapping, data analysis, etc.) and administrative support for public engagement	Over the course of 2022	\$ 1,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2022	\$ 2,000

Qualitative Analysis:

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

RECOMMENDED DECISION:

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

PURCHASING PROCEDURE:

Hornby Island Local Trust Committee

Date

Initiator:

☐ ☐

Director/CAO

Date

REVIEWED BY MANAGEMENT TEAM:

Date received:

Approved: X YES NO

Next steps:

- Hornby Island endorsed the draft business case that went to the December, 2021 Trust Council meeting without any recommended amendments.

Hornby OCP Amendments Review Project - Charter v 1.0

Hornby Island Local Trust Committee

Date: June 10, 2022

Purpose: To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

Background: The LTC identified a “Comprehensive OCP/LUB Review” as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

Objectives

- Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission and public feedback on these recommendations

In Scope

- OCP and LUB amendments regarding:
 - Housing
 - STVRs
 - RAPR
 - First Nations
- Legislated Process + 1 Electronic Community Workshop

Out of Scope

- Topics beyond the four identified as in-scope;
- Public engagement beyond legislative requirements and one electronic community workshop

Deliverables

- One OCP Amendment Bylaw
- One LUB Amendment Bylaw

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022
Execute Consultant Contract	June / July, 2022
Consultant staff report: APC referral analysis and recommendations for bylaw amendments	Sept 9, 2022
First and Second Reading of bylaws and referral	Nov. 25, 2022
CIM/Public Hearing	Feb, 2023
3 rd Reading of bylaws and forward to EC and Ministry	Apr / May, 2023
EC Approval	May/June, 2023
Ministry Approval	Sept / Oct, 2023
Adoption	Nov, 2023

Project Team

<i>Heather Kauer, RPM</i>	Project Sponsor / Consultant contract manager
<i>Consultant</i>	Project Manager
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
<i>Administrative Office Assistant</i>	Website postings; meeting notices
RPM Approval: <i>Heather Kauer, RPM</i> Date: May 31, 2022	LTC Endorsement: Resolution #:

Budget

Budget Sources:

Fiscal	Item	Cost
2022/23	Consultant Contract	\$13,775
2022/23	CIM/Public Hearing	\$850
	Total	\$14,625

Business Case Work Plan

(Consultant Contract ends with CIM/Public Hearing)

Consultant Contract Development and Management

	Hrs	Labour	Project \$
Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	Subtotal	

Bylaw Drafting and Processing

	Hrs	Consultant Labor / Travel	
Intro LTC Meeting	10	Review / Analyze APC recommendations for consistency with law and planning best practices	\$1,500
	8	Draft staff report with recommendations to LTC for bylaw amendments	\$1,200
	8	Travel to and attend LTC meeting to present staff report	\$1,375
Zoom Community Workshop	8	Prep / Facilitate	\$1,200
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	\$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	\$1,375
2nd Reading Meeting	4	Manage Referral Responses	\$600
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	\$600
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	\$1,375
CIM/PH	6	Prep for CIM / public hearing	\$900
	8	Travel to island, and present at CIM / public hearing	\$1,375
3rd Reading Meeting			
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	185	Total	\$12,650

Business Case Work Plan
(Consultant Contract ends with CIM/Public Hearing)

Work Plan with Community Workshop
(Consultant contract ends with 1st Reading)

1. Community Workshop

Hrs	Consultant Labour / Travel	
6	Prep	\$900
4	Travel	\$775
	Overnight Accommodation	\$300
4	Workshop	\$600
8	Travel to and attend LTC meeting to present workshop report	\$1,375
22	Subtotal	\$3,950

Hrs	Planner Labour / Travel	
3	Prep	
4	Travel	\$225
	Overnight Accommodation	\$300
4	Workshop	
11	Subtotal	\$500

Hrs	Admin Staff Labour	
4	Prep (Advertising, Web Posting, Book Venue)	
2	Post-meeting (post video to website)	
6	Subtotal	

Hrs	Minute Taker	
4	Attend Meeting	\$ 300
2	Travel	\$ 200
1	Post meeting editing and submittal of minutes	\$ 75
7	Subtotal	\$ 350

Venue and Materials		
	Venue Rental	\$50
	Advertising	\$800
	Print-outs	\$50
	Subtotal	\$900

46	Community Workshop Total	\$5,700
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Work Plan with Community Workshop (Consultant contract ends with 1st Reading)

2. Bylaw Drafting and Processing

	Hrs	Consultant Labor / Travel	
Intro LTC Meeting	10	Review / Analyze APC recommendations for consistency with law and planning best practices	\$1,500
	8	Draft staff report with recommendations to LTC for bylaw amendments	\$1,200
	8	Travel to and attend LTC meeting to present staff report	\$1,375
1st Reading Meeting	10	Draft Track Changes version of OCP and amendment bylaw	\$1,500
	8	Travel to and attend LTC meeting to present 1st Reading report and recommend referrals	\$1,375
	80	Consultant Subtotal	\$12,650
	Hrs	Planner Labour/Travel	
2nd Reading Meeting	4	Manage Referral Responses	
	4	Draft staff report with recommendations to LTC for bylaw amendments based on referral comments	
	8	Travel to and attend LTC meeting to present 2nd Reading report and recommend referrals; recommend PH	\$200
CIM/PH	6	Prep for CIM / public hearing	
	8	Travel to island, and present at CIM / public hearing	\$200
	Hrs	Admin Labour / Logistics	
		PH Advertising / Printing	\$850
	4	Logistics (venue rental / advertising)	
	10	Prep PH Binder	
	3	Post-meeting (post video to website)	
3 rd Reading Meeting	4	Draft staff report with recommendations to LTC for bylaw amendments based on public hearing comments	
	8	Travel to and attend LTC meeting to present 3rd Reading report	\$200
EC/Ministry	2	Draft RFD to EC	
Adoption / Publishing	10	Admin Labour	
	71	Staff-led portion of Bylaw Drafting and Processing Subtotal	\$2,050
Contract Management	40	Planner Labour	
	30	Finance Staff Labour	
	70	Subtotal	
185		Total Project	\$14,700



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2021.2	The Board of School Trustees of School District No. 71 (Comox Valley) (MacDonald Hagarty Architects Ltd.) Planner: Stephen Baugh	09-Jul-2021	PID: 000-457-752 To bring remaining temporary buildings into compliance to become permanent. Civic address: 2200 Sollans Road, Hornby Island, BC.
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 02-Nov-2021 Revised site plan received.			
Status Date: 04-Oct-2021 File reassigned.			



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: 12-May-2022

LTC approved issuance of DVP at the May 6 2022 meeting. Planner updated file and gave to PTA to issue the Permit and close the file.

Status Date: 04-May-2022

Planner received confirmation from KFN that they support the variances of HO-DVP-2022.1. Planner will return to the LTC for consideration at the May 6 2022 business meeting.

Status Date: 20-Apr-2022

No response yet from KFN. No change in status.

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.) Planner: Stephen Baugh	09-Jul-2021	PID: 000-457-752 To bring remaining temporary buildings into compliance to become permanent. Civic address: 2200 Sollans Road, Hornby Island, BC.
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 02-Nov-2021 Revised site plan received.			
Status Date: 04-Oct-2021 File reassigned.			
File Number	Applicant Name	Date Received	Purpose
HO-SUP-2022.5	Macleod, Donald	02-May-2022	PID: 003-138-381 Building new house. Civic address: 8040 Anderson Drive, Hornby Island, BC.
Planner: Marlis McCargar			
Planning Status			
Status Date: 11-May-2022 File opened & assigned. Waiting for etransfer.			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2020.2	Donald Gutstein and Mae Burrows	27-Mar-2020	PID: 000-095-869 Civic address: 1410 Carmichael Road, Hornby Island Purpose: Subdivide property into two lots (1.78 ha and 2.59 ha). Smaller lot will have existing dwelling, new septic and well/pump house. Larger lot will connect to Carmichael Road via panhandle.

Planner: Teresa Mahikwa

Planning Status

Status Date: 25-May-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.

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: 25-May-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.



Applications

Subdivision

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: 25-May-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.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2022.2	Peter Mason Geomatics	14-Apr-2022	PID: 002-658-437 Subdivide parcel into two lots. Civic address: 2066 Belcarra Road, Hornby Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 25-May-2022

Staff Report to appear on June 10 LTC meeting agenda requesting 10% frontage waiver from LTC.

Status Date: 05-May-2022

Planner completed review and sent referral response form to MOTI and copied agent and the LTC for their information. IT condition for PLR: applicant will need to obtain 10% frontage waiver from LTC.

Status Date: 27-Apr-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.

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2022.1	Baird & Co Farm & Gardens	17-May-2022	PID: 000-081-973 Renewal of TUP for seasonal vendors. Civic address: 6060 Central Road, Hornby Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 25-May-2022

Planner reviewing file.

Status Date: 18-May-2022

File opened & assigned. Waiting for etransfer.

Islands Trust
 LTC EXP SUMMARY REPORT F2022
 Invoices posted to Month ending March 2022

635 Hornby	Invoices posted to Month ending March 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	269.00	0.00	269.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,386.00	2,041.68	344.32
65210-635	LTC - Local Exp - APC Meeting Expenses	370.00	2,185.55	-1,815.55
65220-635	LTC - Local Exp - Communications	250.00	240.00	10.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>4,467.23</u>	<u>-1,167.23</u>
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	21,953.05	-1,953.05
TOTAL Project Expenses		<u>21,600.00</u>	<u>22,313.05</u>	<u>-713.05</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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

No.	Meeting Date	Resolution No.	Issue	Policy
5.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: - Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; - For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; - Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; - Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; - Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
6.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: - Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. - More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

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

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

Top Priorities Report

Hornby Island

1. Comprehensive OCP Review

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

Responsible

Heather Kauer

Dates

Rec'd: 06-Nov-2020

2. Watershed Protection and Groundwater Preservation

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

Responsible

William Shulba

Dates

Rec'd: 08-Jun-2018

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.*

Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.

Responsible

Dates

Heather Kauer
Teresa Mahikwa

Rec'd: 06-Nov-2020

Projects Report

Hornby Island

1. *Ford Cove Consultation*

Responsible

Date Received

Conduct a consultative process for the Ford Cove area

2. *Public Use area planning*

Responsible

Date Received

Support collaborative planning process for Public Use areas

27-Mar-2015

3. *Marine Protection*

Responsible

Date Received

Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection

28-Sep-2018

4. *Improving Bylaw Compliance*

Responsible

Date Received

Explore with the community and staff, approaches to improving Bylaw compliance

28-Sep-2018

5. *Ecosystem Protection*

Responsible

Date Received

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018

Projects Report

Hornby Island

6. *Addressing Climate Change*

Responsible

Date Received

Review measures to address climate change including through implementation of OCP policies

28-Sep-2018

7. *Addressing housing needs*

Responsible

Date Received

A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.

25-Jan-2019

8. *Implementation of Coastal Douglas-fir Toolkit*

Responsible

Date Received

25-Jan-2019

9. *Model Cell Tower Consultation Process*

Responsible

Date Received

13-Sep-2019

10. *Develop a process for batching TUPs related to seasonal worker accommodation.*

Responsible

Date Received

Develop a process for batching TUPs related to seasonal worker accommodation as recommended in the July 16, 2021 staff report analyzing the Ucluelet model.

16-Jul-2021

Projects Report

Hornby Island

11. <i>Fees Bylaw Update</i>	Responsible	Date Received
Amendment of the Hornby Island Fees Bylaw to consider the 2021 model fees bylaw and the TUP fee structure contemplated by the July 16, 2021 staff report regarding TUPs for seasonal worker accommodation.		16-Jul-2021
12.	Responsible	Date Received
Develop a Community Heritage Registry		10-Dec-2021