

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: July 16, 2021
Time: 10:00 am
Location: Electronic Meeting

Pages

- | | | |
|-----------|--|---------------------|
| 1. | CALL TO ORDER | 10:00 AM - 10:05 AM |
| | "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | |
| 2. | APPROVAL OF AGENDA | |
| 3. | REPORTS | 10:05 AM - 10:25 AM |
| | 3.1. Trustee Reports | |
| | 3.2. Chair's Report | |
| | 3.3. Electoral Area Director's Report | |
| 4. | TOWN HALL | 10:25 AM - 10:35 AM |
| 5. | DELEGATIONS | |
| 6. | MINUTES | 10:35 AM - 10:40 AM |
| | 6.1. Local Trust Committee Minutes dated May 21, 2021 - for adoption | 4 - 12 |
| | 6.2. Section 26 Resolutions-without-meeting - none | |
| | 6.3. Advisory Planning Commission Minutes dated May 28, 2021 - for receipt | 13 - 16 |
| 7. | BUSINESS ARISING FROM MINUTES | 10:40 AM - 11:10 AM |
| | 7.1. Follow-up Action List Report dated July 8, 2021 | 17 - 22 |
| | 7.2. Analysis of Expedited Temporary Use Permits for Worker Housing - Memorandum | 23 - 25 |
| | 7.3. Letter dated May 15, 2021 from S. Stanford, Assistant Deputy Minister, Ministry of Citizens' Services to Chair Fast regarding letter of support for Connected Coast Network | 26 - 28 |

8.	APPLICATIONS AND REFERRALS	11:10 AM - 11:40 AM	
8.1.	HO-DVP-2021 (J.O. - 4280 Brigatine Crescent) - Staff Report		29 - 39
8.2.	HO-TUP-2021.1 (Laskin - 3005 St. John's Road) - Staff Report		40 - 80
9.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 12:00 PM	
9.1.	Minimum Average Lot Area Amendments Project (MALA) - Staff Report		81 - 99
10.	CORRESPONDENCE	12:00 PM - 12:05 AM	
	Correspondence received concerning current applications or projects is posted to the LTC webpage		
10.1.	Email dated July 3, 2021 from T. Law regarding K'omoks Cultural and Heritage Policy		100 - 100
	----- BREAK 12:05 PM to 12:35 PM -----		
11.	NEW BUSINESS		
12.	REPORTS	12:35 PM - 12:45 PM	
12.1.	Trust Conservancy Report dated May 25, 2021		101 - 102
12.2.	Applications Report dated July 8, 2021		103 - 108
12.3.	Trustee and Local Expense Report dated May, 2021		109 - 109
12.4.	Adopted Policies and Standing Resolutions		110 - 114
12.5.	Local Trust Committee Webpage		
13.	WORK PROGRAM	12:45 PM - 12:55 PM	
13.1.	Top Priorities Report dated July 8, 2021		115 - 115
13.2.	Projects List Report dated July 8, 2021		116 - 117
14.	INFORMATION ITEMS	12:55 PM - 1:05 PM	
14.1.	June 2021 - Trust Council Highlights		118 - 118
14.2.	News Release - July 7-8, 2021 Special Trust Council Meeting		119 - 120
15.	UPCOMING MEETINGS		
15.1.	Next Regular Meeting Scheduled for Friday, October 8, 2021 - time and location to be determined		

16. CLOSED MEETING

16.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (m) for the purpose of considering (d) adoption of In-Camera Meeting minutes dated November 6, 2020 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

17. ADJOURNMENT

1:05 PM - 1:05 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: May 21, 2021
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
 William Shulba, Senior Freshwater Specialist
 Teresa Mahikwa, Island Planner
 Wil Cottingham, Administrative Assistant
 Katherine Vogt, Recorder

Others Present: Approximately six (6) members of the public.

1. CALL TO ORDER

Chair Fast called the meeting to order at 10:00 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the K'omoks and Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under item 9.1, to be added for discussion, recent correspondence received by Trustee Allen from Wiseman, regarding the Official Community Plan (OCP) Bylaw No. 166.
- Under Item 9.2, to be added as an addendum, the staff report on the Hornby Drinking Water and Watershed Protection Project, which was to be distributed at the present meeting, will instead be referred to as a report on the Islands Trust website that anyone can access.
- Under item 9.3, housekeeping Bylaw Nos. 161 and No. 162, to be presented to trustees for adoption
- Under item 10.1, add for discussion, Temporary Use Permits (TUPs) for seasonal workers for this upcoming summer.

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported on the following:

- The owner of the Thatch continues to maintain a shutdown of operations at the Thatch development site. A representative from the Ministry of Forests, Lands,

Natural Resource Operations and Rural Development (FLNRO) met with K'ómoks First Nation Chief Nicole Rempel recently at the Thatch development site to review the site. There has been no other new information brought forward.

- The Hornby Island Advisory Planning Commission (HOAPC) will soon be examining the ongoing issues around Short Term Vacation Rentals (STVRs).
- The lack of permanent housing on Hornby Island, especially for working younger people, continues to be a serious problem.
- HOAPC Members and HOAPC Chair Wendy Burton were thanked for doing an excellent job on their last referral. HOAPC member Daniel Siegel has recently assumed the role of President of the Hornby Island Residents and Ratepayers Association (HIRRA).
- Islands Trust staff were thanked for their recent efforts.

Trustee Allen reported on the following:

- Numerous conversations with people in the community regarding ideas for housing options, STVR infractions, renting during the Covid pandemic, and visitors to Hornby Island during the Covid pandemic.
- Concerns that the new Islands Trust website was cumbersome and non-intuitive to himself and many others he had spoken to.
 - Chair Fast noted that the new website had been up for a few weeks and that anyone can send feedback to webcomments@islandstrust.bc.ca.

3.2 Chair's Report

Chair Fast reported on her participation in the following meetings:

- Weekly Executive Committee meetings to prepare the agenda for the upcoming Trust Council meetings of June 8, 9, and 10, 2021.
- A recent Regional Planning Committee meeting allowed a look at the Islands Trust Freshwater Sustainability Strategy.
- Bowen Island Municipality Council Meetings.
- An upcoming Islands Trust Conservancy meeting.
- An upcoming meeting of the Association of Vancouver Island and Coastal Communities meeting.

Chair Fast noted that a recent higher than normal volume of development applications over the entirety of the Islands Trust area, was lengthening the planning approval process and may be partly to do with the Covid pandemic. As well, Islands Trust Conservancy proposals for covenants and donations had increased.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- Darren Bond, Chair of the Hornby Island Community Economic Enhancement Community (HICEEC), in collaboration with Hornby Water Stewardship, reported on a pilot project to install roadside signage to signal drought levels for public awareness. The Fire chief had approved such drought signage along the same stretch of property that the fire hazard signage was displayed. Future possibilities are for a roadside drought signage standard

across the Gulf Islands based on the provincial government drought information portal for these areas.

- Chair Fast noted that Bowen Island has an online version of a drought monitor under 'Alerts.'
- Trustees Scott and Allen were supportive of this project.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated March 26, 2021 - for adoption

HO-2021-035

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the minutes of March 26, 2021.

CARRIED

6.2 Section 26 Resolutions-without-meeting Report dated May 7, 2021

Received

6.3 Advisory Planning Commission Minutes dated March 10, 2021 - for receipt

Received

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated May 12, 2021

A Trustee requested that planning staff provide somewhat more contextual information to the motions and other items listed in the Follow Up Action List Report.

7.2 Letter dated March 31, 2021 - Local Trust Committee Letter of Support for Connected Coast

Chair Fast, author of the letter, introduced the letter to Trustees for discussion.

7.3 Letter dated May 5, 2021 to the Local Trust Committee from Susan Stanford, Assistant Deputy Minister for the Connectivity Division in the Ministry of Citizens' Services regarding the Connected Coast Network

A Trustee observed from this response letter that the Local Trust Committee (LTC) was still waiting for a statement from Northern Development Initiative Trust (NDIT) regarding their approval of the CityWest funding application to support last mile internet connectivity to Hornby and Denman Islands.

Chair Fast noted that she had sent an email to Trustees containing a map of Denman and Hornby internet speeds, as part of a larger Canadian map, and linked to a Union of BC Municipalities website, which allows users to directly gauge their internet speeds, to compare their actual speeds to what the Federal map speeds convey. Internet speeds have become a factor in Federal grant funding initiatives where funding has been sometimes denied to communities that are incorrectly deemed to already have sufficient internet speeds.

8. APPLICATIONS AND REFERRALS – none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minimum Average Lot Area Amendments Project (MALA) - verbal update

Planner Mahikwa provided an update on the amendment Bylaw Nos. 166 and 167 since their first reading on March 26, 2021, with the following information:

- We received no responses from any agencies (deadline was May 19), and to date have had responses from three First Nations (Wei Wai Kum, We Wai Kai, and Cowichan Tribes) responded with “no comment”. The other ten First Nations have until June 25, 2021 to respond.
- Consideration of second reading of the bylaws is set for the July 16, 2021 LTC meeting when staff will provide a final report.
- For Bylaw No. 167, a Land Use Bylaw (LUB) amendment, the Public Hearing requirements will have been waived, so the LTC can consider second and third readings and referral to the Executive Committee at its July meeting.
- For Bylaw No. 166, an OCP amendment, a Community Information Meeting and a Public Hearing can be held after the July LTC meeting. Consideration of 2nd and 3rd reading. Potentially refer to EC and Ministry of Municipal Affairs and Housing as well.

Trustee Allen spoke regarding an email he had received on May 20, 2021 from Kaeley Wiser, Principal of Wiser Projects, which was too late to appear on today’s agenda. He suggested that the minimum average lot area ideas proposed by Wiser should be discussed before second reading of Bylaw No. 166.

- Regional Planning Manager Kauer observed that the minimum average lot area ideas proposed by Wiser would involve very substantial changes to the OCP and LUB because they would allow for residential lots smaller than 1 hectare.

HO-2021-036

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to report on the Wiser letter of May 20, 2021, regarding its proposals for Minimum Average Lot Area Amendments, and how these proposals relate to the Official Community Plan Bylaw No.166, for consideration at the July 16, 2021 Hornby Island Local Trust Committee meeting.

CARRIED

9.2 Hornby Drinking Water and Watershed Protection Project - Staff Report - to be distributed

Chair Fast noted that the report would not be distributed but was contained on the Islands Trust website in the Addendum to the meeting Agenda.

William Shulba, Senior Freshwater Specialist, introduced the Hornby Drinking Water and Watershed Protection Project Report, which falls under the Islands Trust Freshwater Sustainability Strategy, and noted the following:

- Islands Trust received a \$200,000 grant from Healthy Watersheds Initiative as part of a \$27,000,000 NDP campaign promise to facilitate community-driven work to protect watersheds.
- Most of these funds will go towards the Islands Trust Freshwater Sustainability Strategy.
- As part of that strategy, Hornby Water Stewardship, managed by Heron Rocks Friendship Center Society, was one of a handful of projects selected in the Trust area, with \$25,000 dedicated.
- The focus of the Hornby Watershed Stewardship project is on-island water testing services for coliforms and e-coli. They operate out of the Hornby Spark in the old firehall.
- Funding will help pay for testing kits, instrumentation for water quality, other equipment, and an employment position. Some funds will also go towards GIS and watershed resiliency mapping.
- Island Health has found bacteria on Hornby beaches from stream and ditch run off.
- The new project will expand testing to include water from ditches and streams to identify the origins and extent of well water contaminating bacteria.

Trustee Allen requested information on jurisdictional limitations.

Specialist Shulba responded that:

- Private domestic water wells are in a jurisdictional grey zone between the *Water Sustainability Act*, which focuses more on larger scale private wells for multiple users and agriculture;
- The *Drinking Water Protection Regulation Act*, which has very little direct regulation of domestic wells; and
- The Comox Valley Regional District, which has no program for domestic wells. However, within the *Water Sustainability Act*, the section 'Water Objectives,' is being updated to better address specific watersheds and aquifers.

9.3 Bylaw Nos. 161 and 162 - for adoption

Regional Planning Manager Kauer noted that these were final housekeeping motions for the bylaws that had been through all stages of the bylaw process and were ready to be added to the official OCP and LUB.

HO-2021-037

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No.1, 2019", be adopted.

CARRIED

HO-2021-038

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No.1, 2019", be adopted.

CARRIED

10. CORRESPONDENCE

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

10.1 Email dated May 3, 2020 from T. Law regarding streamlined Temporary Use Permits for Housing

In his letter, Tony Law provides a link to a webpage article on the District of Ucluelet website describing a worker housing pilot project utilizing the fast-tracking of TUPS to allow RVs.

A Trustee noted that this webpage article had been sent to him by many other residents.

10.1.1 Temporary Use Permits for seasonal workers for this summer

Trustee Allen noted that there was a general lack of housing for seasonal workers on Hornby Island and that partly because of the Covid pandemic, nomadic living was proliferating. Perhaps a Temporary Use Permit (TUP) could be made less expensive for this summer through a fast-tracked process.

Trustee Scott noted that the cost and temporary nature of the TUP permits were an impediment to investment. The issue could be referred to the APC in July after a staff report.

Chair Fast noted that infrequent Local Trust Committee meetings, in comparison to Municipal meetings which could meet weekly, precluded fast-tracking.

HO-2021-039

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff analyze the issues around temporary seasonal housing for workers on Hornby Island and provide a report for the next Local Trust Committee meeting on July 16, 2021 meeting.

CARRIED

10.2 Email dated March 19, 2021 from P. Stockdill, The Council of BC Yacht Clubs regarding Expansion of Shellfish Aquaculture Tenure, Henry Bay, Baynes Sound

Received

10.3 Email dated April 30, 2021 from P. Stockdill, The Council of BC Yacht Clubs regarding flip pouches in Baynes Sound

HO-2021-040

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request the Chair to draft a letter of support from the Hornby Island Local Trust Committee to the Denman Island Local Trust Committee for taking the Stockdill email of March 19, 2021 and the Stockdill email of April 30, 2021, regarding plastic debris issues, to the Baynes Sound Forum for consideration.

CARRIED

11. NEW BUSINESS

11.1 Annual Report - Staff Report

Planner Kauer sought endorsement from the LTC for a statement that summarizes the year's activities of the LTC for the permanent record of the Trust Council.

Trustee Scott suggested the inclusion of a statement to indicate that application volumes have increased.

HO-2021-041

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the following text for inclusion in the 2020-2021 Annual report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs and Housing as amended with the addition of one sentence that states that application volumes have increased:

"The Hornby Island Local Trust Committee (HO LTC) held nine meetings in the 2020/21 fiscal year. There were six regular business meetings and three public hearings.

Work for this period focused on technical amendments to the official community plan (OCP), fees related to the bylaw enforcement notification bylaw, and amending the zoning of a property where affordable housing is planned. The HO LTC also initiated a project to amend the OCP and land use bylaws to address inconsistencies related to minimum average lot area provisions.

The HO LTC considered numerous reports in conjunction with one major rezoning application on the island. The committee also reviewed two development permits and one temporary use permit.

Staff reviewed two subdivisions, twenty-two siting and use permits, and seven crown land referrals related to proposed development in the Hornby Island Local Trust Area.

Another initiative of the HO LTC has been relationship building with the K'omoks First Nation."

CARRIED

12. REPORTS

12.1 Trust Conservancy Report – none

By General Consent the meeting recessed at 11:35 am and reconvened at 11:41 am.

12.2 Applications Report dated May 12, 2021

Regional Planning Manager Kauer clarified that Siting and Use Permits (SUPs) are separate from Temporary use permits (TUPs). A SUP generally applies to the placement of a structure and the issuance of a SUP does not automatically mean that conditions have been met for a TUP.

HO-2021-042

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff communicate with the applicant Jeremy Payne to allow that he be fully aware of the terms of his Temporary Use Permit.

CARRIED

Regional Planning Manager Kauer noted that site visits from planning staff have been suspended under emergency orders during the Covid pandemic.

Trustee Allen noted that he had recently communicated with the individual who had provided him with 175 pages of background information for Bradsdadsland and that he would be forwarding this to planning staff.

12.3 Trustee and Local Expense Report dated February, 2021

Received

12.4 Adopted Policies and Standing Resolutions

Trustee Allen noted a date error in the following statement at the top of the page at Number 3 that should be corrected to read October 31, 2021.

“unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.”

12.5 Local Trust Committee Webpage

Trustees found complications in navigating the new website.

Chair Fast noted that comments could be made and sent to webcomments@islandstrust.c.ca so input could be collected to improve the website.

13. WORK PROGRAM

13.1 Top Priorities Report dated May 12, 2021

Received

13.2 Projects List Report dated May 12, 2021

Received

14. INFORMATION ITEMS

14.1 Islands Trust Conservancy Newsletter - The Heron - Spring 2021

Chair Fast spoke regarding the newsletter coming out in a new format and more frequently. The Trustees wished to thank the publicists for a job well done and the very nice new presentation of the newsletter.

14.2 News Release - June 2021 Islands Trust Council Meeting Program Announced

14.3 News Release - A Surge in Development Applications slows processing time at Islands Trust

15. CLOSED MEETING - none

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Friday, July 16, 2021 at 10:00 am - Location to be determined

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:05 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Friday, May 28, 2021

Location: By Zoom

APC Members Present: Wendy Burton, Chair
Daniel Siegel, Vice-Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member
Vicki Bale, Member
Rob McCreary, Member
Kim Fagerlund, member

Staff Present: Katherine Vogt, Recorder

Others Present: Sadie Chezenko, of the Hornby Island Housing Society
Approximately one (1) members of the public

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:00 pm. She acknowledged being on the traditional territory of the Pentlatch and Kòmoks people. She expressed that the day was of significance given the discovery of the remains of many bodies buried at the Kamloops Residential School. She committed that it was her duty and responsibility to be sure that such a thing never happens again.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Under item 7 add discussion of Zoom versus in-person meetings going forward.

By general consent, the agenda was adopted as amended.

Chair Burton welcomed and introduced Sadie Chezenko of the Hornby Island Housing Society and members of the public.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated March 10, 2021

By general consent, the minutes were adopted.

4. BUSINESS ARISING

4.1 Warren Dingman Report on Bylaw Infractions without Fines

Chair Burton noted that Warren Dingman's list of Hornby Island bylaw infractions without corresponding fines had not yet been received; but would be forwarded to the Hornby Island Local Trust Committee (LTC) as soon as it was received, to become added to the previous Advisory Planning Commission (APC) referral recommendations package.

4.2 Hornby Island Advisory Planning Commission Terms of Appointment

Secretary Ovitsland offered to research the terms of appointment for all APC members.

5. EXECUTIVE OFFICERS

a. Chair

Chair Burton offered to continue as Chair of the APC

b. Vice-Chair

Chair Burton noted that Vice-Chair Siegel would be shortly resigning from the APC. Member Bale offered to take on the role of Vice-Chair.

c. Secretary

Secretary Ovitsland offered to continue as secretary.

6. Discussion of Local Trust Committee March 26 Referral

Chair Burton noted that the March 26, 2021 Hornby Island LTC resolution relating to the referral for the APC was confirmed as: '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.'

Members discussed that further clarification from local trustees was needed to assess the scope of this new referral project.

a. Proposed order

i. First Nations

ii. Housing

iii. Short Term Rentals

iv. Riparian zones

Members agreed to the proposed order of subjects and that recommendations to the LTC could be made in increments by subject.

b. First Steps

i. Advisors

Members agreed to replace the word advisor with the phrase 'resource person.'

HO-APC-2021-001

It was MOVED and SECONDED

that the following people and associations will be requested to act as or provide a resource person:

- Sadie Chezenko of the Hornby Island Housing Society
- Tony Law, for background resource documents
- Lisa Wilcox, Senior Intergovernmental Policy Advisor for the Islands Trust
- Hornby Island Residents and Ratepayers Association
- Hornby Island Community Economic Enhancement Corporation
- Hornby Island Short Term Rental Association
- Hornby Water Stewardship

CARRIED

Member Amabilino offered to contact Fred Hunt as a possible future resource person.

ii. Division of Duties

Members agreed to study those portions of the OCP relating to First Nations for discussion at the next meeting.

iii. Support from Islands Trust

Chair Burton noted that Islands Trust Planning Staff would not be available to attend future APC meetings for this referral.

7. Next Meeting Time and Adjournment

Vice-Chair Siegel announced that he would be retiring from the APC as of the end of the meeting to devote full energy to his new position as President of the Hornby Island Residents and Ratepayers Association. He acknowledged that working with the APC had been a wonderful informative experience and thanked all members.

APC members agreed to request that the vacancy created by Daniel Siegel's resignation not be filled until after the present referral was concluded based on the policy that it is not a requirement that the APC maintain seven members, only a ceiling.

It was discussed that as if one computer at an in-person meeting was on Zoom, that other attendees could join in through that computer. Daniel Siegel noted that he would be researching technical aspects of including Zoom participants at in-person meetings and could share his findings with the APC. Secretary Ovitsland and Member Bale agreed to further research meeting technicalities.

It was noted that by June 15, 2021, public health orders would allow up to 50 people in congregation; but that if social distancing was a requirement, only 24 people could meet inside the Hornby Island Hall.

The next meeting time would be Wednesday, June 30, 2021 at 1:00 pm at the Hornby Island Community Hall, possibly outside of the Hall. At least 2 people would be participating by Zoom.

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

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2021.1	Leckie Studio Architects & Design (Cam Koroluk)	27-Apr-2021	PID: 000-941-328 Carport built too close to property line. Civic: 4280 Brigantine Crescent, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 28-Jun-2021

Tentative July 16th LTC agenda item.

Status Date: 10-May-2021

Under review by staff.

Status Date: 29-Apr-2021

File opened & assigned. Waiting for eTransfer.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2020.1	Dixon Lake Properties Ltd. (Daysgoneby.Org Land Stewards Ltd.)	13-Oct-2020	PID: 001-034-367 Rezoning. Civic address: 2105 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 07-Jul-2021

Site visit.

Status Date: 17-Jun-2021

Applicant submitted copy of sewage disposal system records, as requested by LTC.

Status Date: 26-Mar-2021

LTC consideration of preliminary staff report by RWM. LTC requested additional information.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 06-Jul-2021

NARU application approved by ALC. Awaiting updated site plan from applicant to issue SUP.

Status Date: 10-May-2021

No change in status.

Status Date: 21-Apr-2021

No change in status.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.12	McIntyre, Ruth & Bruce	16-Apr-2021	PID: 003-603-288 Replacing old cabin with new. Civic: 7175 Anderson Drive, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-May-2021

Preliminary application review by planner complete. Information requested from applicant

Status Date: 21-Apr-2021

File opened & assigned. Waiting for etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.15	Wyndham, Timothy & Shirley	17-May-2021	PID: 001-728-717 New SFD. Civic: 975 Mount Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 04-Jun-2021

Preliminary review - Information requested of applicant

Status Date: 20-May-2021

File opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.16	Underhill, Graham	25-May-2021	PID: 003-138-909 New modular cottage. Civic address: 7990 Anderson Drive, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-Jun-2021

File opened & assigned. Waiting for Etransfer.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.17	Lewis, Robert & Anita	24-Jun-2021	PID: 002-941-813 Demo of old cabin and new SFD Civic: 5765 Seawright Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 30-Jun-2021

File opened & assigned. Waiting for etransfer



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.7	Wiig, Sigurd	09-Feb-2021	PID: 000-041-263 Moving building damaged by storm. Civic address: 3930 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 09-Mar-2021

Phone convo with applicant. Advised that accessory building could not be used as dwelling unit including temporary and transient use. Use must comply with bylaw.

Status Date: 12-Feb-2021

File opened & assigned.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2021.1	Marcus Paterson	17-Mar-2021	PID: 002-657-881 Two lot subdivision. Civic address: 2025 Belcarra Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 07-Apr-2021

On hold per applicant request

Status Date: 19-Mar-2021

File opened & assigned. Waiting for Etransfer.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.2	Payne, Jeremy	12-Mar-2020	PID: 003-869-008 Temporary seasonal food truck. Civic address: 3005 Saint John's Point Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 05-May-2021

SUP issued. VIHA permit pending.

Status Date: 03-May-2021

Planner completed review of SUP application.

Status Date: 27-Nov-2020

Forwarded to bylaw enforcement.

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.3	Hornby Island Co-Operative Association Inc.	28-Oct-2020	PID: 026-371-791 Water extraction & sales Civic address: 5875 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 10-May-2021

Awaiting FLNRORD license.

Status Date: 29-Mar-2021

March 26th LTC issued permit conditional on FLNRORD water license.

Status Date: 12-Mar-2021

On March 26 agenda.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2021.1	Hornby Island Bakery's Pizzeria	30-Apr-2021	PID: 003-869-008 TUP required for outdoor patio seating. Civic address: 3005 St. John's Point Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 28-Jun-2021

Under review by staff. Possible July 16th LTC agenda item.

Status Date: 24-Jun-2021

File opened & assigned.

Status Date: 30-Apr-2021

Application received; discussions ensued, further information provided.



DATE OF MEETING: July 16, 2021
TO: Hornby Island Local Trust Committee
FROM: Ian Cox, Planner 2
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Expedited Temporary Use Permits For Worker Housing

PURPOSE

The purpose of this memorandum is to provide information requested by the Hornby Island Local Trust Committee (LTC) by resolution passed at its regular business meeting on May 21, 2021, in response to former Trustee Tony Law's letter to the LTC. The letter urges consideration of the possibility of issuing Temporary Use Permits (TUPs) in order to provide interim housing options for workers on Hornby Island. A current program which uses the TUP tool at the [District of Ucluelet](#) is cited as a possible model scheme. This memo provides background on the statutory, policy, and regulatory framework relating to such an initiative and briefly touches on issues of the tool's efficacy in relation to permit processing times and cost implications for applicants.

REGULATORY FRAMEWORK

Local Government Act

TUP Objectives and Guidelines are included in both the Hornby Island Official Community Plan Bylaw No. 149 (OCP) and the Hornby Island Land Use Bylaw No. 150 (LUB). The Local Government Act (LGA) section 921 give the ability for local governments to consider temporary uses otherwise not permitted by zoning, in areas designated in a zoning bylaw. Upon application by a property owner, the LTC can issue a TUP by resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use, and the time period. TUPs can be issued for a term of up to three years and may be renewed one time only.

Hornby LUB | TUP Guidelines

Currently, the Hornby LUB permits the residential use of recreational vehicles (RVs) within the R1 – Small Lot, and R2 – Large Lot zones, where *recreational vehicle* is defined as:

“any structure, trailer, or vehicle used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.”

The permitted number of dwelling units (density) per lot is restricted by the size of the lot and in many cases this would not permit the use of a RV as a residence where there was an existing house, for example. Further, LUB Section 3.2 prohibits overnight accommodation in tents or RVs accessory to - or in association with - vacation home rental use.

The following LUB excerpt pertains to the consideration of TUPs for temporary housing, as mentioned in former Trustee Law's letter:

10.2 Objectives

(5) to consider allowing temporary seasonal or emergency accommodations as per OCP policies 6.3.5.18 and 6.3.5.19;

DISTRICT OF UCLUELET

Staff contacted the District of Ucluelet Planning Department to determine its approach to the recently implemented fast-tracked TUP program. The following points were discussed:

Residential Use of Recreational Vehicles

The District has been careful with worker housing TUPs to avoid creating expectations of long-term permission or residential use, since its zoning bylaw regulates density in much the same way as the Hornby LUB, generally restricting density to one dwelling per lot in the case of rural residential type zoning. The District also has Medium Density and High Density Zones that permit additional residential densities, a type of zone(s) that the Hornby LUB does not have.

The expedited TUP program is expressly for workers "camping" in vehicles and no building permits are issued or building inspections conducted. The TUPs authorize one long-term seasonal RV/trailer camping space per lot. TUP holders are required to schedule a fire inspection before occupying the units, which, according to District planning staff, is also an educational opportunity as much as anything. The District Fire Chief has a checklist for permit holders advising them of the type of issues they look for during the inspection.

Building Permits

Many regional districts do not permit the use of travel trailers or RVs for residential use, for reasons of health and safety issues and the inability to permit occupancy on a structure which does not conform to the BC Building Code (BCBC). RVs are certified by the Canadian Standards Association (CSA) Group as Z240, for example, and are approved for recreational/seasonal use, while mobile and modular homes carry other types of certification commensurate with their intended use. That certification is outside and in lieu of the BCBC, which is concerned with habitable and permanent structures. This poses potential issues for occupying RVs on a long term residential basis, since neither the BCBC nor the CSA allows them to be used as such.

Hornby Island is unique (with other examples such as Denman and Lasqueti Island), in that no building inspection is in force because no agreement between the Hornby LTC and the Comox Valley Regional District is in place to carry out oversight and enforcement of the BCBC, unlike other Local Trust Area which have such agreements in place. On Hornby, Siting and Use Permits (SUPs) are issued in place of building permits. The Code is still in effect, however; it is simply the authority and enforcement that is lacking. The onus remains on anyone constructing buildings to ensure that they meet the Code, with or without the oversight and permitting of a building inspection authority.

The District of Ucluelet Building and Planning Departments are under one roof, so to speak, and appear to have worked together to address this possible issue as mentioned above and in **Attachment 1**. The following sections summarize key points following the program's implementation.

Approach

See **Attachment 1** for the District staff report which details the (then) proposed process and requirements.

Duration of TUP

Up to this point, the TUP's issued by the District have been only for short term, seasonal camping spaces for RV/trailers only, as mentioned (not tents, for example), to a maximum of 6 months in length. After this, applicants may apply for a renewal of the permit if no issues have arisen with the use.

Uptake

Eleven applications were received for the pilot project, of which the District Council approved 8, rejected 2 (on lots where the owner would not be present to oversee the camping space) and deferred a decision on one pending further information.

PROCESSING TIMES | COST IMPLICATIONS

The Hornby LTC fee structure for applications differs from that of the District, in that they are not separated into 1) a non-refundable initial fee, and 2) a public notice fee. The LTC application fee is one sum that includes the public notice. To alleviate financial burden to the applicants, the District elected to waive their notice fee when the applications were considered in a batch and one combined notice was sent out. This does not appear to be possible under the current Hornby Fees Bylaw No. 132. However, there may be an opportunity to investigate this possibility under the current model fees bylaw revision. The District's fast-tracked program is entirely predicated on the batching and combined public notice fee aspect of the scheme, since that is what allows the expedited process. The LTC could simply direct staff to expedite TUP applications for worker housing, regardless of the fee structure, however this would have an obvious time impact on LTC projects and processing times for other land use applications received and in progress.

SUMMARY | OPTIONS

The LTC could, by resolution:

- Under the current OCP and LUB bylaws, direct staff to prioritize TUP applications for temporary seasonal accommodations on properties within zones designated for TUPs under LUB Section 10.2.
- Direct staff to batch process such TUP applications to be brought before the LTC for consideration together at the same regular business meeting for expediency, providing all information was complete for each application.
- Direct staff to utilize a combined public notice strategy for the batched TUP applications and investigate the potential for reduced individual application fees, based on a non-refundable application fee and separate public notice fee structure.

Any change to a bylaw, whether the OCP, LUB, Fees Bylaw, or other administrative bylaw, would require the LTC to initiate a project, whether long term or on its top priority list.

Submitted By:	Ian Cox, MCP Planner 2	June 30, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	July 6, 2021

ATTACHMENTS:

1. District of Ucluelet Staff Report



May 5, 2021

Ref:114903 & 13328

Sue Ellen Fast

Chair, Denman Island Local Trust Committee & Hornby Island Local Trust Committee

700 North Road, Gabriola

Island, BC V0R 1X3

Email: northinfo@islandstrust.bc.ca

Dear Sue Ellen Fast:

Thank you for your letters received on March 31, 2021 regarding your support for the Connected Coast applications for Hornby and Denman Islands. Addressing coastal and remote Indigenous community connectivity gaps is a priority for the Provincial Government, and as the Assistant Deputy Minister for the Connectivity Division in the Ministry of Citizens' Services, I am pleased to respond.

The Connected Coast Network will result in the installation of subsea fibre-optic cable serving communities between Prince Rupert and Vancouver, on Haida Gwaii and Vancouver Island. Investment in last-mile infrastructure will help communities along the route take full advantage of the benefits this will bring when completed.

The Province supports the expansion of connectivity through the [Connecting British Columbia](#) program which is administered by the Northern Development Initiative Trust (NDIT). Through the Economic Recovery Intake, the program was expanded in September 2020 by \$90 million in funding to accelerate the expansion of broadband connectivity to more communities throughout the province.

We understand that through the Economic Recovery Intake, NDIT has received funding applications from CityWest to support last mile connectivity to Hornby and Denman Island residents. As part of the applications, written community support is a requirement for all projects to verify service providers are providing a solution that meets the community needs so thank you for your letters. Once a decision by NDIT has been made regarding the applications and CityWest has been notified, we will ensure that someone from our ministry reaches out to you.

If you would like to discuss this further or receive additional information on the Province's activities to expand high-speed internet connectivity, please contact Howard Randell, Executive Director, Network BC at 250 415-6867.

Thank you for taking the time to write about these important projects.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stanford' with a stylized flourish.

Susan Stanford
Assistant Deputy Minister

Attachment/s:

pc: Honourable Josie Osborne
Minister of Municipal Affairs & MLA, Mid Island-Pacific Rim
josie.osborne.MLA@leg.bc.ca

David Leitch, Chief Administrative Officer
Strathcona Regional District
dleitch@srd.ca

James Warren, Deputy Chief Administrative Officer
Comox Valley Regional District
jwarren@comoxvalleyrd.ca

Daniel Arbour Director,
Electoral Area A
reachme@danielarbour.ca

Karen Ross, Chair
Denman Hornby Internet Working Group
karenross@telus.net

Denman Island Residents Association
dira.residents@gmail.com

Hornby Denman Internet Working Group
info@hornbydenmaninternet.com

Hornby Island Community Economic Enhancement Corporation
karen@hiceec.ca

Denman Island Local Trust Committee
DenmanIslandLocalTrustCommittee@islandtrust.bc.ca

Hornby Island Local Trust Committee
HornbyIslandLocalTrustCommittee@isalndstrust.bc.ca

Network BC
NetworkBC@gov.bc.ca

Connected Communities
ConnectedCommunitiesBC@gov.bc.ca

DATE OF MEETING: July 16, 2020

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

SUBJECT: Development Variance Permit application to relax lot line setback
Applicant: J.O.
Location: 4280 Brigantine Cres., Hornby Island | PID: 000-941-328

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of HO-DVP-2021.1 as presented.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application HO-DVP-2021.1, that proposes to vary the Hornby Island Land Use Bylaw No. 150 (LUB) in order to permit the siting of an existing accessory building ("carport") that was constructed such that it encroaches 0.27 metres (11 inches) into the required 8 metres lot line setback area in the Agricultural 1 (A1) zone. Staff is recommending that the LTC issue the permit, considering the relatively small 0.27 metre encroachment into an otherwise generous setback area of 8 metres. As such, the variance can be expected not to impact neighbouring properties in a significantly negative way.

BACKGROUND

The subject property is a 1.03 hectare (2.54 acre) waterfront lot located slightly west of the Tralee Point. There is no record of any bylaw enforcement on the lot. See **Attachment 1** for the site context related to the application and other planning applications and approvals for the property.

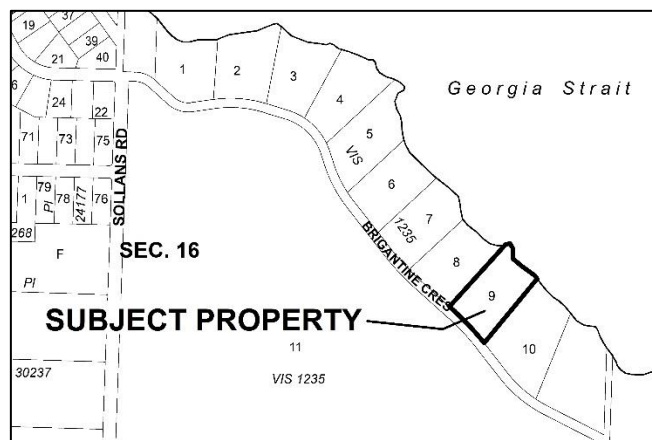


Figure 1. Subject Property

The owner/applicant has constructed an accessory building (“carport”) that was the subject of HO-SUP-2019.8 and that now requires issuance of the DVP here considered, in order to lawfully site the building that encroaches 0.27 metres (11 inches) into the required 8 metre lot line setback. See **Attachment 2** – Draft Development Variance Permit.

The applicant provided rationale for the proposed variance in the application and may be seen in **Attachment 3** – Applicant Rationale Letter.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

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

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

Staff does not find the application to be in conflict with these policies.

Official Community Plan:

The subject lot is designated Agriculture (AG) in the Hornby Island OCP and is not within any currently enacted Development Permit Areas. The property is within the Moderately Developed, High Vulnerability aquifer area as shown on OCP map [Schedule D2](#).

There are no other Brigantine Crescent area-specific policies in the OCP, as is the case for the Whaling Station Bay area, for example. The application is not contrary to OCP Agricultural policies as the carport building complies with the LUB zoning regulations related to permitted buildings, structures, and density in the A1 Zone.

Land Use Bylaw:

8.5 Agriculture 1 (A1) 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 an interior side lot line; and*
 - (d) 8.0 metres from an exterior side lot line.*

Issues and Opportunities

Reason for Variance Application

This DVP application is coming forward not through any bylaw enforcement issue, but at the initiation of the property owner who wishes to correct an error from the time of construction. Such retroactive variances continue to be received as a result of the lack of building inspection on Hornby Island, coupled with the inability of staff to require pre or post construction surveys under the current [Hornby Island Siting and Use Permit Bylaw No. 52](#). A Siting and Use Permit (SUP) was issued to the land owner/applicant, which at the time showed the structure to be in compliance with the LUB setback provisions. When no British Columbia Land Surveyor (BCLS) survey plan is required, there can be errors in locating lot lines and setbacks during the construction process; such is this case. Upon discovering the encroachment issue, the property owner submitted the DVP application of their own volition to remedy the issue.

Possible Impacts of the Variance

The LTC must not fetter its discretion when granting variances now or in the future, as each application should be evaluated on its own merits. However, the granting of variances can have the potential to create community expectations with regard to future applications.

First Nations / Archaeology

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

No ground disturbance is proposed as part of this DVP application, since the carport is existing. HO-SUP-2019.8 that was issued for the building addressed any archaeological issues and the applicant was provided with the best available information at that time.

Consultation

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* (LGA), statutory notice of the proposed variance was distributed to neighbouring property owners and tenants within 100 metres of the subject property on July 5, 2021. The notification period will end on July 15, 2021. At the time of preparing this report, staff has received no submissions as a result of the notification process. See **Attachment 4** – Statutory Notice.

All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the Hornby Island LTC. Correspondence may be sent to northinfo@islandstrust.bc.ca.

Rationale for Recommendation

The staff recommendation is found on page 1 of this report, under the rationale that sufficient justification is found for the requested variance in the fact that the request is relatively minor in nature considering the required 8 metre setback, and little impact to neighbouring properties is expected for the same reason.

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

1. Deny the application

The LTC may elect not to issue the DVP. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny issuance of HO-DVP-2021.1 (J.O.).

Next Steps

Should the LTC concur with the staff recommendation, the DVP as presented in **Attachment 1** will be issued and registered to the property title.

Submitted By:	Ian Cox, MCP Planner 2 – Northern Team	July 2, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 6, 2021

ATTACHMENTS

1. Site Context
2. Draft Development Variance Permit
3. Applicant Rationale Letter
4. Statutory Notice

HO-DVP-2021.1 Staff Report

Site Context - Site Context

LOCATION

Legal Description	Strata Lot 9, Section 16, Hornby Island, Nanaimo District, Strata Plan 1235 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1
PID	000-941-328
Civic Address	4280 Brigantine Crescent, Hornby Island

LAND USE

Current Land Use	Residential/Agriculture
Surrounding Land Use	Agriculture/Residential/Oceanfront at Georgia Strait

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2019.8	House and Carport

POLICY/REGULATORY

Official Community Plan Designations	Agriculture (AG)
Land Use Bylaw	Agriculture 1
Other Regulations	ALC General and Use Regulation
Covenants	D23415 – Undersurface Rights
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This proposal does not directly affect an Islands Trust Conservancy owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. It also does not pertain to Crown Land. Therefore referral to ITC is not required.
Regional Conservation Strategy	Map 6 (p. 144) "Priority Lands for Conservation in the Islands Trust Area" classifies the subject property as medium priority for conservation given its relative biodiversity. Our Priorities - Conservation Planning
Species at Risk	None mapped
Sensitive Ecosystems	ITEM: Islands Trust Ecosystem Mapping indicates areas of Young Forest and Littoral on the property, and Rural and Mature Forest classification near the property. Sensitive Ecosystem Mapping indicates areas of Mature Forest within 100m of the front lot line of the property. The Hornby Island Official Community Plan Bylaw No. 149 Schedule D2 Environmentally Sensitive Areas Aquifers Map shows that the property in question is located in a lightly developed, high vulnerability area.
Hazard Areas	None mapped

Archaeological Sites	According to provincial Remote Access to Archaeological Data (RAAD) information no mapped archaeological sites are noted within property boundaries or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. 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	HO-SUP-2019.8 was to permit construction more than 30 metres from the natural boundary of the sea, so no impacts related to sea level rise are anticipated. Typical levels of GHG emissions should be expected with private automobile use associated with rural single family residential development patterns.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Forage Fish within 200m (Surf Smelt)



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT NO. HO-DVP-2021.1**

TO: J.O.

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

PID: 000-941-328

STRATA LOT 9, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, STRATA PLAN 1235
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT
OF THE STRATA LOT AS SHOWN ON FORM 1

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw No. 186, 2008* is varied as follows:

PART 8 ZONE REGULATIONS, Section 8.5 Agriculture 1 (A1) Zone, Subsection Siting and Size, Article (4)(c)
“The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
(c) 8.0 metres from an interior side lot line;” is varied as follows:

- **from 8 metres to 7.67 metres** to permit the siting of an existing accessory building (carport)

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

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

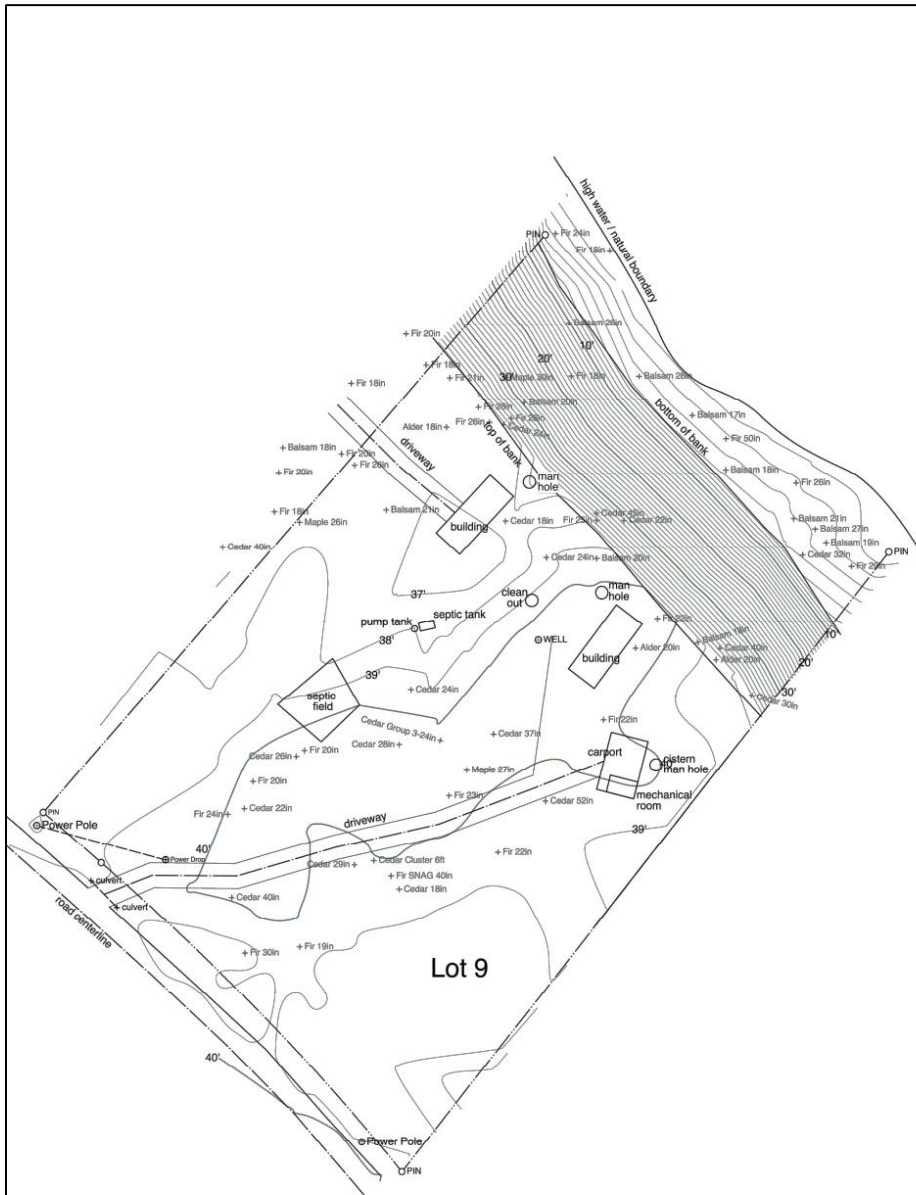
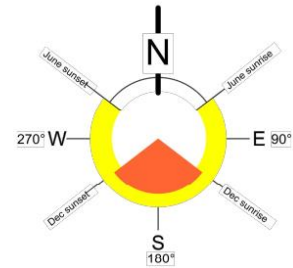
Deputy Secretary, Islands Trust

Date of Issuance

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

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2021.1
Schedule "A" - Survey Plan



Revisions:

Gordon Bateman Surveying
Site Survey

Survey: GB
Drawn: MM
Scale: 1"=50'
Date: Apr 26, 2021
File name: Lot 8&9 Brigantine v19a.vwx
Field measurements by:
Gordon Bateman Surveying, May/June 2019, July/Aug 2020

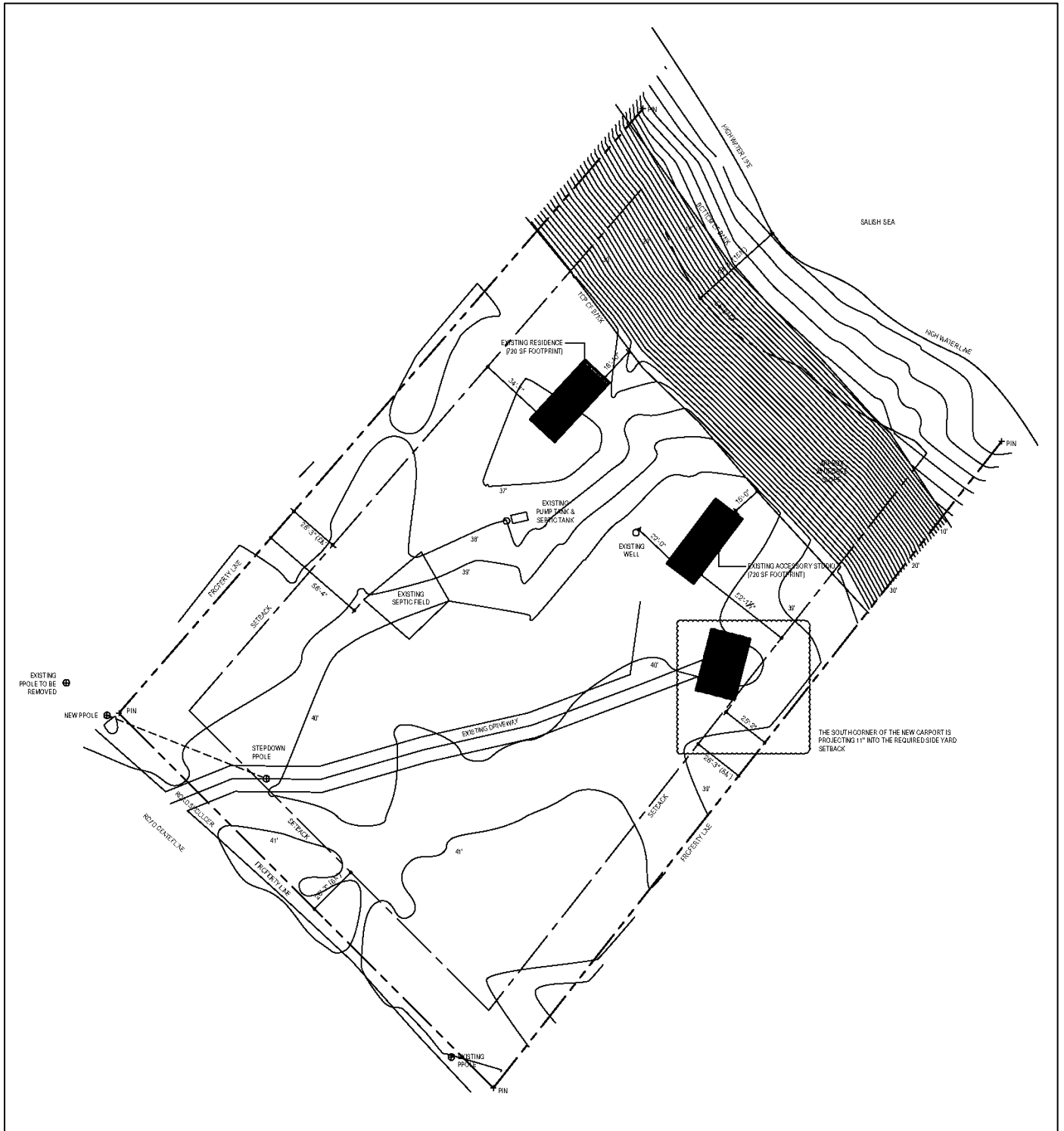
Site Plan • Lot 9 • 4280 Brigantine Crescent • Hornby Island

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT

DE-DVP-2021.1

Schedule "B" - Site Plan



Memorandum

1/1

Re	4280 Brigantine Crescent	
Date	April 27, 2021	
To	Penny Hawley	Islands Trust
From	Cameron Koroluk	LSA+D

Islands Trust Northern Office (c/o) Penny Hawley,

Please find our attached application for a Development Variance Permit for 4280 Brigantine Crescent (Lot 9) on Hornby Island. Our documentation is attached as follows:

1. Signed Development Variance Permit Application Form
2. OHR 210427 issued for development variance permit.pdf (drawing set with project information, site survey, and site plan)
3. Current Land Title Search
4. Land Covenant L68397 (March 23, 2018)

We are applying for a variance due to a contractor error during the construction of a carport as indicated on drawing A011 SITE PLAN. The new carport was constructed too close to the adjacent property line and the south corner of the structure is currently projecting approximately 11" into the side yard setback.

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

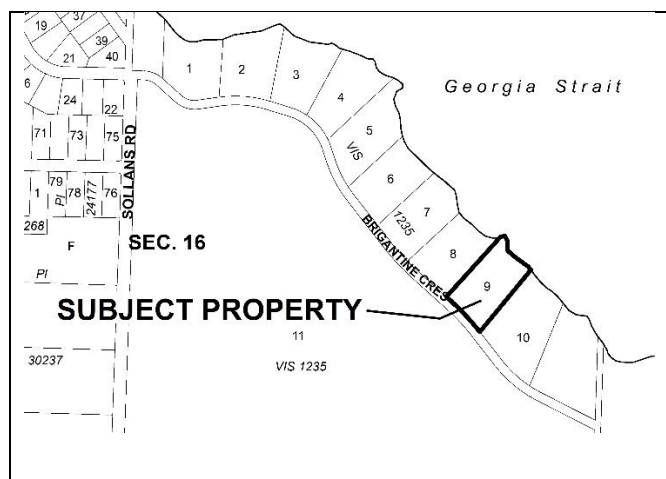
PART 8 ZONE REGULATIONS, Section 8.5 Agriculture 1 (A1) Zone, Siting and Size, Subsection (4) "The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (c) 8.0 metres from an interior side lot line;"

- **from 8 metres to 7.67 metres** to permit the siting of an existing accessory building (carport)

The subject property is legally described as:

PID: 000-941-328, STRATA LOT 9, SECTION 16, HORNBY ISLAND, NANAIMO DISTRICT, STRATA PLAN 1235
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

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



If you have any questions or comments regarding the proposed Permit, please contact Ian Cox, Planner 2, at 250-247-2204; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road,
Gabriola, BC V0R 1X3;

Email: northinfo@islandstrust.bc.ca

Fax: 250-247-7514

A copy of the proposed Permit is available to view at the Islands Trust Office, 700 North Road, Gabriola, BC and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/hornby/current-applications/> commencing **July 05, 2021** and continuing up to and including **July 15, 2021**.

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:00 am, Friday, July 16, 2021**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Hornby Island Trust Committee meeting, on July 16, 2021, the public may join the meeting by:

To Participate or Attend:

Electronically: <https://islandstrust.zoom.us/j/61612350880>

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

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

Webinar ID: 616.1235.0880

To watch only: Live Stream: <https://colaboratevideo.net/islandstrust/C>

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



File No.: HO-TUP-2021.1 (Laskin)

DATE OF MEETING: July 16, 2021

TO: Hornby Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

SUBJECT: **Temporary Use Permit application for the addition of liquor sales to food truck use**
Applicant: Lance Geselbracht and William Walker (c/o Jon Laskin)
Location: 3005 St. John's Point Road; PID 003-869-008; LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2021.1 for the period beginning from the date of its issuance and ending on March 26, 2023.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a new Temporary Use Permit (TUP) application on the subject property (see **Figure 1** below) to allow for the sale of liquor in conjunction with the current operation of a food truck and trailer as permitted under the previously issued HO-TUP-202.1. Pursuant to Section 6.10 of the Hornby Island Official Community Plan (OCP) Bylaw No. 149, a TUP may be issued to allow temporary uses for a period of time to enable neighbourhood impacts to be assessed before any further permitting of the use, per OCP Policy 6.5.1.10.

Staff are recommending approval of the permit subject to the conditions as drafted in **Attachment 1**, with particular attention on condition 3 c) that would allow liquor sales only between the daily hours of 8am to 8pm as the current TUP restricts the food truck operation, regardless of the terms and conditions of a Food Primary Licence that is required by the Liquor and Cannabis Regulation Branch (LCRB) and which may imminently be granted.

BACKGROUND

For site context and property information as presented for the previously issued TUP, see **Attachment 2 – HO-TUP-2020.1 Staff Report**.

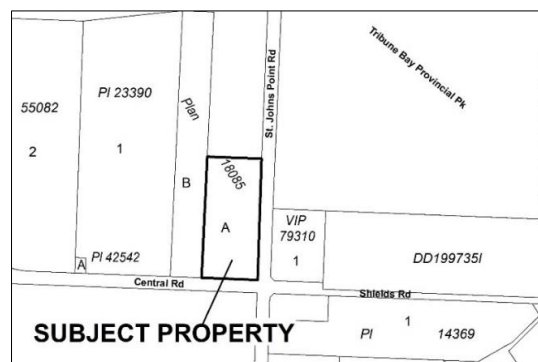


Figure 1 - Subject property map.

The applicant wishes to sell liquor to customers of the food truck and trailer and as such has been advised by the LCRB to apply for a Food Primary Licence. That licence is currently underway with the Branch and may be issued without either the LCRB or the LTC necessarily undertaking any more public consultation beyond the statutory notice conducted for the original TUP. The reason for this is that the LCRB requires local government zoning to be in place for Food Primary Licences for establishments such as restaurants and lounges, which the LCRB considers to be met in this case under the issued HO-TUP-2020.1.

Despite the LCRB's position and policy on the zoning matter, HO-TUP-2020.1 only permits the food truck use and does not include the sale of alcohol, hence the need for the TUP being here considered. This is because the subject property is residentially zoned and the food truck use is only lawful under the issued TUP and not by the Hornby Island Land Use Bylaw No. 150 (LUB) zoning on the lot.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following policies from the Islands Trust Policy Statement (ITPS) are relevant to this application:

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

Official Community Plan:

The subject property is designated **Rural Residential (RR)** and is within Development Permit Area No. 6 - Riparian Areas. The proposed liquor sale use does not theoretically include any physical development that would trigger the need for a Development Permit (DP). Should the applicant wish or need to construct additional infrastructure, the property owner/applicant should contact planning staff to determine whether a DP is required.

Relevant OCP policies include:

- ***Policy 6.5.1.10*** *Temporary Use Permits may be permitted for:*
 - a) temporary use;*
 - b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;*
 - c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or*
 - d) seasonal activities.*

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

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

TUP Guidelines are included in both the OCP and the LUB. Upon review of the information provided by the applicant and subject to the additional conditions imposed by the permit beyond the original issued in 2020, staff consider the application to be consistent with TUP guidelines.

See **Attachment 1** for staff's original assessment of the TUP Guidelines.

Land Use Bylaw:

The subject property is zoned **Residential 2 – Large Lot Residential (R2)**. The applicant's original proposal for the operation of a food truck did not comply with the permitted uses in the R2 Zone, or with the Home Occupation regulations in Section 3.6 in the LUB (see **Attachment 1**) and thus they applied for the TUP in 2020.

The applicant is now proposing to add liquor sales to the uses permitted by the original TUP and must be granted both a liquor licence from the LCRB, as well as a new TUP by the LTC to reflect this additional use. There is no mechanism to amend TUPs under the current Hornby Island LTC bylaws and so a new TUP is necessary, particularly since the public notice for the TUP in 2020 did not include the sale of liquor. Neighbouring property residents must be given the opportunity for input on the proposed additional use.

Issues and Opportunities

Liquor and Cannabis Regulation Board (LCRB) Process

As mentioned in the above Background section of this report, the LCRB considers local zoning to be in place in this case under the issued TUP and therefore will not undertake its own public consultation, nor refer the application to Islands Trust as is the case for other types of liquor licences. In cases other than for Food Primary Licences, the LCRB refers applications to the local government which must pass a resolution to either conduct its own public consultation as recommended by staff or directed by the LTC, or opt out of that process and defer to the LCRB which then conducts its own consultation according to its policies.

The LTC could elect to engage in further consultation beyond the public notice that was sent out for this new TUP. However, in cases where the LTC chooses to enter into its own consultation process, the statutory public notice is often used as the tool of choice to elicit comment. It is a characteristic of the required TUP application in this case that already requires statutory notice and therefore, staff has not recommended further public consultation beyond it. The LTC of course has the option to choose otherwise should it find that to be necessary or desirable.

Consultation

No community consultation beyond the public notification requirement for the TUP has been recommended as mentioned above.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, notice of the proposed TUP was delivered on July 5, 2021 to all property owners and occupants within 100 metres of the subject property (See **Attachment 3**). A notice of the proposed TUP was also published in the *Hornby Island Tribune* newspaper.

Six (6) copies of correspondence in support of the application were received as part of the notification for the original TUP in 2020. No further correspondence has been received related to the additional proposed use at the time of writing this report, but may be received before or during the LTC meeting on July 16, 2021 sent to northinfo@islandstrust.bc.ca.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation, particularly since no new development or ground disturbance is being proposed at present in relation to the additional use on the property. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff provides the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to applicants for information on their

responsibility under the Heritage Conservation Act. This application does not trigger the requirement for agency or First Nations referrals at this time.

Rationale for Recommendation

Staff finds the proposal to meet the TUP Guidelines outlined in the OCP and LUB for the purposes of considering issuance of a TUP for the proposed liquor sales use in conjunction with the food truck and trailer. As such, staff are recommending that the LTC approve HO-TUP-2021.1 for the period beginning from the date of its issuance and ending on March 26, 2023, subject to the conditions as presented in the draft permit (**Attachment 1**).

The staff recommendation is found on page 1 of this report.

ALTERNATIVES

1. Undertake additional public consultation

The LTC may choose to conduct further public consultation, such as hold a Community Information Meeting (CIM) or refer the application to the Hornby Island Advisory Planning Commission (APC) to provide additional opportunity for public input, in accordance with TUP guidelines 10.3.2 of the LUB and 6.10.2 of the OCP. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee directs staff to conduct further public consultation for HO-TUP-2021.1 in the form of [insert desired consultation process here].

2. Deny the application

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

That the Hornby Island Local Trust Committee deny application HO-TUP-2021.1 for the following reasons... [to be provided by the LTC].

NEXT STEPS

Should the LTC resolve to pass staff's recommendation, the draft TUP in **Attachment 2** will be issued.

Submitted By:	Ian Cox, MCP Planner 2	July 5, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	July 6, 2021

ATTACHMENTS

1. Draft Temporary Use Permit
2. HO-TUP-2020.1 Staff Report
3. Statutory Public Notice

HO-TUP-2021.1 Staff Report
Attachment 1 - Draft Temporary Use Permit

 Islands Trust	HORNBY ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT HO-TUP-2021.1 (Geselbracht and Walker (Laskin)) 3005 St John's Point Road, Hornby Island
---	--

To: Lance Geselbracht and William Walker (Laskin)

1. This Permit applies to the land described below:

PID: 003-869-008

LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085

2. Pursuant to Section 493 of the *Local Government Act* and Section 6.10 of the Hornby Island Official Community Plan Bylaw No. 149, 2014, and despite Hornby Island Land Use Bylaw No. 150, 2014, this Permit is issued to allow the following:

2.1 To operate a food truck and trailer, including the sale of alcohol on the subject property, in accordance with the terms and conditions of a Food Primary Liquor License granted by the provincial Liquor and Cannabis Regulation Branch (LCRB).

3. This permit is subject to the following conditions:

- a) The general layout of the food truck and trailer shall be in substantial accordance with Schedule "A" – Subject Property Map, Schedule "B" – Site Plan and Schedule "C" – Parking Plan, which are attached to and form a part of this permit, as signed and dated by the Deputy Secretary, Islands Trust.
- b) The food truck and trailer may consist of one 8 feet x 28 feet (20.8 m²) structure and one 10 feet x 30 feet (27.9 m²) as shown on Schedule "B" – Site Plan.
- c) The operation of the food truck and trailer shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., including the sale of alcohol, and in accordance with the terms and conditions of the Food Primary license issued by the Liquor and Cannabis Regulation Branch (LCRB).
- d) A total of twelve (12) vehicle parking spaces shall be provided on site designed to the standards of Hornby Island Land Use Bylaw No. 150, 2014.
- e) Signage shall meet the sign regulations in the Hornby Island Land Use Bylaw No. 150, 2014.
- f) An emergency spill kit shall be kept on site for the period of the operation of the food truck and trailer, it shall be kept fully supplied at all times and the operator shall ensure that there is personnel on site at all times during the operation of the food truck and trailer that are

familiar with its use.

- g) The holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, Islands Trust staff may enter the property during business hours to ensure compliance with the Temporary Use Permit.
- 4. It is the responsibility of the permit holder to obtain any required authorization under the *Sewerage System Regulation* or any other relevant legislation pertaining to wastewater.
- 5. It is the responsibility of the permit holder to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
- 6. This Permit is valid for a period of three years from the date of issuance.
- 7. This is not a Building Permit or a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed land use.

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

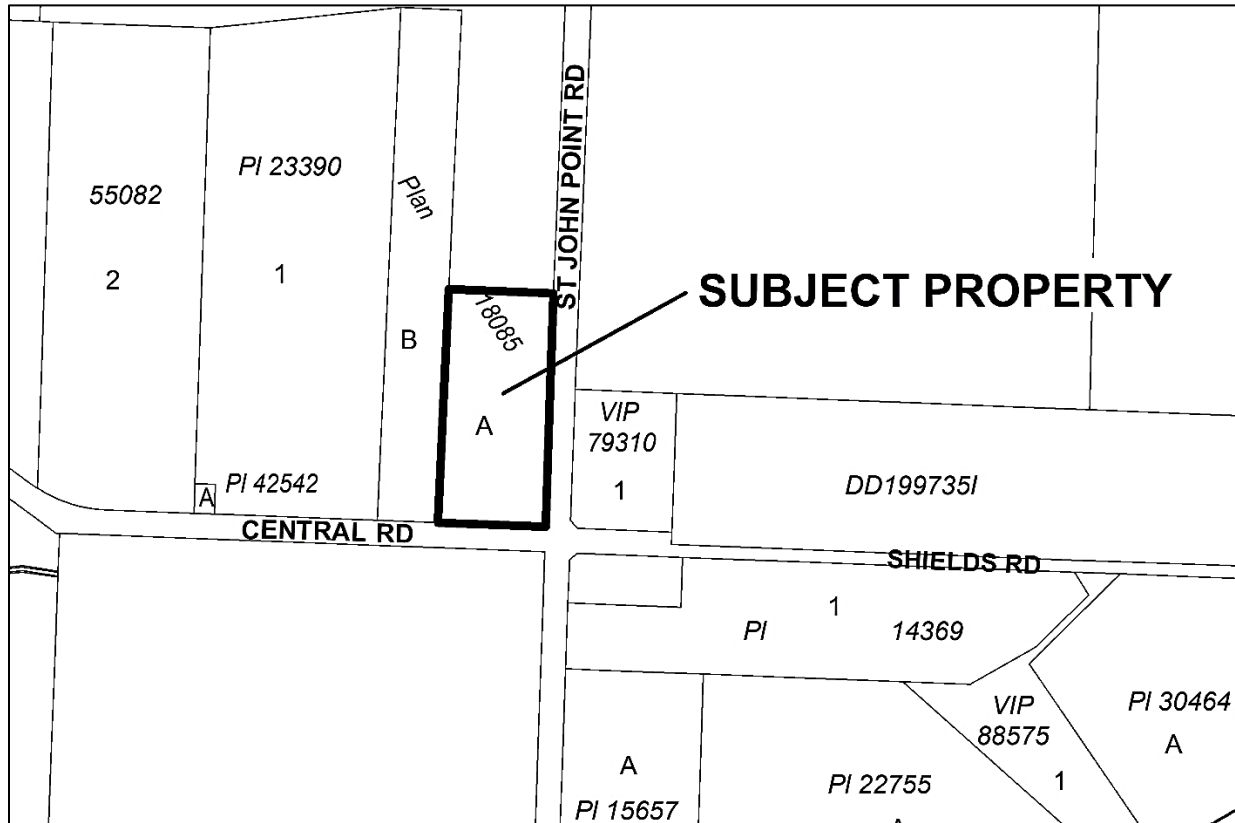
Deputy Secretary, Islands Trust

XX, 2021

Date Issued

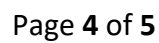
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2021.1 (Laskin)

SCHEDULE "A"
Subject Property Map



SCHEDULE "B"

Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2021.1 (Laskin)

SCHEDULE "C"
Parking Plan



File No.: HO-TUP-2020.1 (Laskin)

DATE OF MEETING: March 20, 2020

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: **Temporary Use Permit application – Food Truck**

Applicant: Lance Geselbracht and William Walker (c/o Jon Laskin)

Location: 3005 St. John's Point Road; PID 003-869-008; LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2020.1 for the operation of a food truck for a period of three (3) years from the date of issuance.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Temporary Use Permit (TUP) application for the temporary operation of a food truck and trailer on the subject property. Pursuant to Section 6.10 of the Hornby Island Official Community Plan (OCP) Bylaw No. 149, a TUP may be issued to allow temporary uses for a period of time to enable impacts to be assessed before any further permitting of the use, as per OCP Policy 6.5.1.10.

Staff are recommending approval subject to conditions, as noted in the draft permit (Attachment 4).

BACKGROUND

The subject property is located at 3005 St. John's Point Road, at the corner of Central Road and St. John's Point Road, as shown in Figure 1. The property is approximately 1.62 hectares (4 acres) in area, and is surrounded by residential, agricultural, park, and retail and commercial properties. The intersection of Central Road and St. John's Point Road encompasses the island's busiest commercial area.

The application proposes to operate a food take-out service in two wheeled structures – one approx. 20.8 m² (224-sq.ft.) food truck and one approx. 27.9 m² (300-sq.ft.) trailer. The applicant has provided a site plan indicating an area reserved for up to twelve (12) off-road parking spaces on the subject property. There is an existing residence on the subject property located approx. 137 metres from the proposed site of the food truck and trailer.

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

Notice of the intent to consider the issuance of a TUP must be given to neighbouring properties and to the community. Under a TUP, the specified uses may be carried out for a period of up to three years, and the TUP may be renewed for a further three years. Staff note that issuance of a TUP should not be interpreted as support for a permanent zoning change.

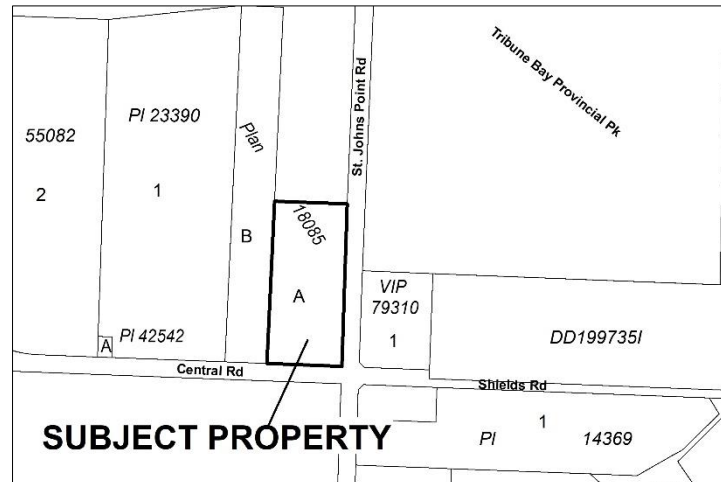


Figure 1. Subject property map.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following policies from the Islands Trust Policy Statement (ITPS) are relevant to this application:

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

Official Community Plan:

The subject property is designated **Rural Residential (RR)**. A portion of the subject property is within Development Permit Area No. 6 (DPA 6) – Riparian Areas. Staff have determined the siting of the proposed food truck is not within DPA 6.

Relevant OCP policies include:

- **Policy 6.5.1.10** *Temporary Use Permits may be permitted for:*
 - a) *temporary use;*
 - b) *a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;*
 - c) *uses for a period of time to enable impacts to be assessed before any further permitting of the use; or*
 - d) *seasonal activities.*

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

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

Both Section 6.10 in the OCP and Section 10.3 of the LUB provide guidelines when considering issuance of a TUP. Based on the information provided by the application and through issuance of the TUP, subject to conditions, staff consider the application to be consistent with TUP guidelines.

See Attachment 2 for staff's assessment of the TUP Guidelines.

Land Use Bylaw:

The subject property is zoned **Residential 2 – Large Lot Residential (R2)** in the LUB. The applicant's proposal for the operation of a food truck does not comply with permitted uses in the R2 zone, nor with the Home Occupation regulations in Section 3.6 in the LUB (see Attachment 1); thus the applicant is applying for a TUP to permit the food truck as required in Section 10.1 of the LUB:

Section 921¹ of the Local Government Act provides that temporary uses may be permitted in areas designated in a zoning bylaw. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

Issues and Opportunities

Waste Disposal

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

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

- ii) ***maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water***, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;

Staff consider OCP Policy 2.2.2 to be addressed through TUP Guideline 10.3(6)(b) of the LUB and TUP Guideline 6.10.6(b) of the OCP, which require confirmation that site conditions allow for adequate provisions for approved waste disposal. The applicant has submitted a copy of a Septic System Evaluation, dated December 16, 2019, by Ron McMurtrie and Associates, P.Eng.

¹ The current section of the LGA that address Temporary Use Permits is Section 492. Staff have flagged this required change in Proposed Bylaw No. 162.

The applicant proposes to install a Type 1 septic system, consisting of a septic tank with effluent filter and pump to a drainfield, in accordance with the provincial *Sewerage System Regulation* (SSR), for wastewater disposal. The proposed septic field is sited approx. 47 m and 65 m from the front and exterior lot lines.

Staff have included in the draft TUP that it is the responsibility of the permit holder to obtain any required authorization under the SSR.

Staff have included a requirement for an emergency spill kit on site within the draft TUP, so as to mitigate any potential risk of contamination to land, surface or groundwater.

A copy of the Septic System Evaluation is found in Attachment 5.

Water Use

The applicant proposes to install a 1000 gallon cistern for water storage for the use of the food truck. The applicant has stated they intend to have water delivered by an on-island company.

In the event that groundwater is used for the food truck, staff note that under the *Water Sustainability Act* (WSA), there are new licensing requirements for groundwater use for non-domestic purposes, and it is staff's understanding that these requirements would apply to this proposal.

Staff recommend that the LTC specify on the permit that the applicants are required to obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation, in the event that groundwater is used for the food truck.

Off-road Parking

TUP Guideline 10.3(6)(a) of the LUB and TUP Guideline 6.10.6(a) of the OCP requires that adequate off-road parking be included as a condition of a TUP. Section 5.4 of the LUB requires a restaurant, pub or café to provide a minimum of 1 parking space per 2 seats.

The applicant has provided a parking plan, attached to the draft permit in Attachment 4 indicating that up to twelve (12) off-road parking spaces will be provided for customers of the food truck.

Given that the subject property is adjacent to the busiest commercial area on Hornby Island and there are concerns for public safety when vehicles park along the narrow roads, particularly during the summer season, staff have included a parking requirement in the draft TUP that requires a total of 12 parking spaces be provided on site to satisfy the TUP guidelines.

Impact on Neighbouring Properties

The Comox Valley Regional District Bylaw No. 102 (Noise Control Bylaw) prohibits noise disturbance between 9:00 p.m. and 8:00 a.m.

To reduce noise disturbances to neighbouring properties, staff have included a condition in the draft TUP that limits the hours of operation for the food truck to 8:00 a.m. and 8:00 p.m.

This condition would align with TUP Guideline 10.3(6)(f) of the LUB and TUP Guideline 6.10.6(f) of the OCP that requires that noise generation be addressed to ensure compliance with regional district regulations.

Existing Commercial Operation

Staff note the presence of an existing commercial operation within a shipping container on the subject property operated separately from the proposed food truck. Under Section 3.2(1)(t) of the LUB, use of a shipping container is prohibited unless screened.

Staff note that a TUP has not been issued for the existing commercial operation and that there is no screening in place for the shipping container.

Staff are recommending bylaw enforcement be undertaken on the existing commercial operation following the completion of this application.

Consultation

No community consultation beyond the public notification requirements, including neighbourhood notification and a newspaper advertisement referenced below, has been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, neighbours must be notified of a TUP application. Notice of the proposed TUP was delivered on February 25, 2020 to all property owners and occupants of neighbouring properties within 100 metres of the subject property. A notice of the proposed TUP will be published in the *Hornby Island Tribune* newspaper in the March 11, 2020 edition.

Six (6) copies of correspondence in support of the application have been received at the completion time of this report. Correspondence may be received before or during the LTC meeting. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

At this time TUP applications do not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Rationale for Recommendation

Staff consider the proposal to meet the TUP guidelines outlined in the OCP and LUB, for the consideration of issuance of a TUP for the proposed food truck and trailer. As such, staff are recommending that the LTC approve issuance of TUP application HO-TUP-2020.1 for a period of three (3) years, subject to a number of conditions. The draft permit found in Attachment 4 of this report has been developed in accordance with the TUP guidelines in Section 6.10 of the OCP and Section 10.3 in the LUB.

See staff's recommendation on pages 1 of this report.

ALTERNATIVES

1. Refer the application to the APC

The LTC may choose to forward the application to the Hornby Island Advisory Planning Commission (APC) to provide an opportunity for public input, in accordance with TUP guidelines 10.3.2 of the LUB and 6.10.2 of the OCP. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee refer application HO-TUP-2020.1 to the Hornby Island Advisory Planning Commission for comment.

2. Deny the application

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

*That the Hornby Island Local Trust Committee deny application HO-TUP-2020.1 for the following reasons...
[to be provided by the LTC].*

NEXT STEPS

If the LTC agrees with staff's recommendation, the draft TUP in Attachment 4 will be issued.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	March 3, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 4, 2020

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – TUP Guidelines in the Hornby Island OCP and LUB
3. Attachment 3 – Copy of Public Notice
4. Attachment 4 – Draft Permit
5. Attachment 5 – Septic System Evaluation, dated Dec. 16, 2019
6. Attachment 6 – Public Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085
PID	003-869-008
Civic Address	3005 St. John's Point Road
Lot Size	1.62 ha (4 acres)

LAND USE

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



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

HISTORICAL ACTIVITY

File No.	Purpose
HO-RZ-2009.1	For a 17-strata lot subdivision (proceed no further).

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: RR – Rural Residential 6.3.3 Rural Residential
--------------------------------------	---

	6.3.3.3 <i>The principal use in this category should be residential with any accessory uses consistent with the residential character.</i> 6.5 Retail and Personal Service 6.5.1.10 <i>Temporary Use Permits may be permitted for:</i> a) temporary use; b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning; c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or d) seasonal activities. 6.10 Temporary Use Permits <i>The objectives of this subsection are:</i> <i>(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10;</i> See Attachment 2 for a full review of Temporary Use Permits (TUP) guidelines. Development Permit Area: DPA 6 – Riparian Areas See Land Use Bylaw regulations below. The figure is an aerial photograph with a yellow rectangle highlighting a specific area of land. To the left of this rectangle is a blue-shaded area representing a riparian zone. A scale bar labeled '24 m' is positioned below the yellow rectangle. The map is labeled with 'Central Road' on the left and 'St. John's Point Road' at the bottom. Figure 2. DPA 6 on subject property (shown in blue). Approx. proposed location of food truck shown.
--	--

Land Use Bylaw	Zone: Residential 2 – Large Lot (R2) Permitted Principal Uses in the R2 zone include: • Residential use of a dwelling; • Secondary suite in a dwelling on lots 2 ha or larger; • Horticulture, agriculture or silviculture accessory to a principal residential use; • Accessory uses, buildings and structures, including but not limited to home occupations; • Vacation home rental use. 3.6 Home Occupation Regulations 3.6 (1) <i>Only the uses expressly permitted in Subsections 3.6(3), 3.6(9) and 3.6(20)* inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are <u>prohibited</u> as home occupations:</i> <i>(a) restaurant, food take-out service;</i> <i>(b) retail store;</i> <i>(c) salvage, junk or incineration business;</i> <i>(d) chemical manufacturing;</i> <i>(e) storage of toxic or flammable materials other than for use in small quantities in carrying out a home occupation;</i> <i>(f) winery involving a lounge other than on ALR land;</i> <i>(g) extraction and sale or delivery of groundwater;</i> <i>(h) high-pressure cleaning, laundry, laundromat, shower or bathing facility or other activity that involves the use of groundwater as a primary element of the home occupation or that causes total domestic water use to exceed 350 litres per day;</i> <i>(i) any activity that creates vibration, glare, fumes, odours, electrical interference or any other nuisance ordinarily detectable off the lot on which the home occupation is operated; and</i> <i>(j) any activity that is prohibited elsewhere in this bylaw.</i> Development Permit Area No. 6: Riparian Areas 9.6.2 <i>The following activities are <u>exempt</u> from any requirement for a development permit:</i> <i>s) Any development more than 8.0 metres from a stream that is a roadside ditch which does not contain instream habitat for fish according to the Stream identification Reports prepared for Hornby Island by Madrone Environmental Services (January 2014) and Mimulus Biological Consultants (March 2012).</i> The LUB provides the following definitions: restaurant <i>means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food.</i>
----------------	--

	structure means any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances. *Staff note there is a typo in this regulation, and should read "...Subsections 3.6(3), 3.6(9), 3.6(11) and 3.6(22)...". Proposed Bylaw 162 corrects this error.
Other Regulations	Sewerage System Regulation (SSR) 6(1) A person must not construct or maintain a sewerage system that uses a treatment method classified as Type 1 or Type 2 unless the person is (a) qualified as an authorized person, or (b) an owner constructing or maintaining a sewerage system on his or her land under the supervision of an authorized person. The applicants have submitted a Septic System Evaluation by Ron McMurtrie and Associates, P.Eng., dated December 16, 2019, detailing the plans to install a Type 1 system in accordance with the SSR. Island Health Operation of a food premises under the <i>Food Premises Regulation</i> requires an application to Island Health prior to construction or operation. Agricultural Land Reserve Lots to the south and northeast are within the Agricultural Land Reserve (ALR).
Covenants	None
Bylaw Enforcement	HO-BE-2010.1 (closed) Staff note the presence of an existing commercial operation within a shipping container on the subject property. Staff note that a TUP has not been issued for the existing commercial operation. Under Section 3.2(1)(t) of the LUB, use of a shipping container is prohibited unless screened. Staff are recommending bylaw enforcement be undertaken on the existing commercial operation following the completion of this application.

SITE INFLUENCES

Islands Trust Fund	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comments is not required.
Regional Conservation Strategy	The ITC – Regional Conservation Plan 2018-2027 identifies this area of Hornby Island as MEDIUM to LOW priority for conservation purposes.
Species at Risk	Islands Trust mapping indicates that no Species at Risk (SAR) are within this area.
Sensitive Ecosystems	Schedule D2 of the OCP identify the subject property within a Recharge area, and the aquifer is classified as IIA – Lightly developed*, high vulnerability (*correction: moderately developed, high vulnerability).

	The ditches adjacent to the subject property that run along St. John's Point Road and Central Road, are identified as Riparian Areas Regulation (RAR)-applicable watercourses, according to the Mimulus Report dated December 2011. It is noted that the Mimulus report identifies Ditch 4 (along St. John's Point Road) as requiring an 8 m setback.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not identify any archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a
Groundwater Vulnerability	Aquifer Intrinsic Vulnerability - HIGH

ATTACHMENT 2 – TUP GUIDELINES IN THE HORNBY ISLAND LAND USE BYLAW AND HORNBY ISLAND OFFICIAL COMMUNITY PLAN

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions: a) properties less than one quarter of a hectare except when the application is for vacation home rental use, b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B, and c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.	6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions: a) properties less than one quarter of a hectare (0.63 acre), except when the application is for vacation home rental use, b) land designated as Park, , as shown on Schedule B, and c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.			<i>TBD by LTC</i> Staff note that Schedule D1 does not indicate the subject property contains an environmentally sensitive area. Staff note that Schedule D2 indicates the subject property is within an IIA – Moderately developed*, high vulnerability aquifer area and is within a Recharge area. The proposed siting of the food truck and trailer will be on a previously cleared area, measured approx. 24 m from the lot line, which borders the outer perimeter of the Recharge area identified on Schedule D2. The applicants propose to place gravel as a base to secure the food truck and trailer. The applicants propose to install a Type 1 septic system under the guidance of a Registered Onsite Wastewater Practitioner (ROWP), in accordance with the <i>Sewerage System Regulation</i>. Following the conclusion of the proposed food truck operation, the applicant has stated their intent to restore the land, which may include removal of any unwanted gravel. *Staff note that Schedule D2 of the OCP incorrectly identifies IIA as “lightly developed, high vulnerability” and should be amended as “moderately developed, high vulnerability” according to the Ministry of Environment’s: http://www.env.gov.bc.ca/wsd/plan_protect_sustain/grounderwater/aquifers/Aq_Classification/Aq_Class.html.
(2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing	6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing			<i>TBD by LTC</i>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
its recommendations.	its recommendations.			
(3) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.	6.10.3 Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.			<i>n/a</i>
(4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as highly developed.	6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.			<i>TBD by LTC</i> Staff note that Schedule D2 indicates the subject property is within a Recharge area. Lot is within an identified Moderately developed area. The applicant proposes to install a Type 1 septic system for greywater disposal that meets the requirements of the <i>Sewerage System Regulation</i>. The applicant proposes to install a 1000 gallon cistern for water storage.
(5) Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	Yes	<i>TBD</i>	Included as a condition of the permit. The applicant has been advised of the requirement under the <i>Sewerage System Regulation</i>. A copy of a Septic System Evaluation report has been submitted.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(6) The general conditions for issuing a Temporary Use Permit are as follows: a) adequate off-road parking should be provided; b) confirmation that site conditions allow for adequate provisions for approved waste disposal; c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses; d) industrial uses should be screened from adjacent properties and roads; e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties; f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations; g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials; h) water supply should be addressed so as to not create negative impacts upon existing common water sources; i) other potential impacts upon the	6.10.6 The general conditions for issuing a Temporary Use Permit are as follows: a) adequate off-road parking should be provided; b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee; c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses; d) industrial uses should be screened from adjacent properties and roads; e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties; f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations; g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials; h) water supply should be addressed so as to not create negative impacts upon existing common water sources; i) other potential impacts upon the neighbourhood should be mitigated, including by limitations	Yes	Yes	Included as conditions of the permit. The applicants have submitted plans that indicate up to twelve (12) off-road parking spaces will be available. Staff have determined parking requirements have been satisfied. The applicants have submitted a copy of Septic System Evaluation by Ron McMurtrie and Associates, P.Eng., confirming adequate provisions will be made for waste disposal. Screening not required, proposed siting of food truck is across from existing commercial operations. Proposed siting of food truck and trailer is approx. 24 m from lot line. Staff have included the requirement for an emergency spill kit so as to mitigate any potential risk of contamination to land, surface water or groundwater. The applicant proposes to install a 1000 gallon cistern for water storage, and intend to have water delivered from an on-island water delivery company. Staff note that authorization under the <i>Water Sustainability Act</i> or

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.	upon the hours of operation where appropriate; j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.			any other relevant legislation pertaining to groundwater, may be required should the applicants make use of groundwater or surface water. Staff recommend hours of operation be from 8:00 a.m. to 8:00 p.m. Requirement for a security – <i>TBD by LTC</i> .
(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.	6.10.6* Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application. *Staff note the numbering in this section of the OCP is incorrect from Guideline 6.10.6 to 6.10.9.	Yes	Yes	<i>TBD by LTC</i> Staff have received 5 letters of support for the proposed food truck operation, at the time of staff report completion.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(8) Light Industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.	6.10.7 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.	<i>n/a</i>	<i>n/a</i>	
(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.	6.10.8 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing temporary use permit applications.	<i>n/a</i>	<i>n/a</i>	
(10) In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) limitations on any signage that may be placed on the property; c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	6.10.9 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following: a) The cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals; b) Limitations on any signage that may be placed on the property; c) A requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety,	<i>n/a</i>	<i>n/a</i>	

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

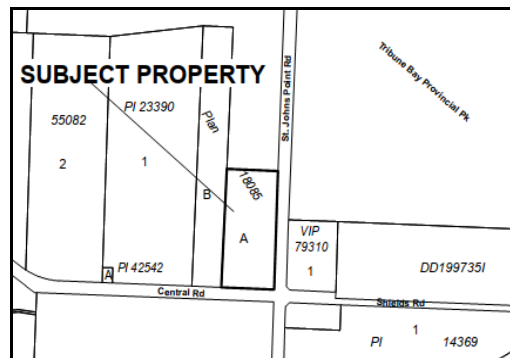


NOTICE
HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.1
(Geselbracht and Walker (Laskin))

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering the issuance of a Temporary Use Permit pursuant to *Section 493* of the *Local Government Act* for (PID 003-869-008; LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085; Application HO-TUP-2020.1, 3005 St. John's Point Road, Hornby Island, BC).

The purpose of the proposed permit is to permit the operation of a Food Truck and Trailer on the subject property.

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



Enquiries or comments should be directed to Planner Jaime Dubyna at 250-247-2063, or by email to: northinfo@islandstrust.bc.ca. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867.

A copy of the proposed permit may be inspected at the Islands Trust Northern office at 700 North Road, Gabriola Island between the hours of 8:30 a.m. and 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays commencing **March 6, 2020** up to **March 19, 2020**.

The Hornby Island Local Trust Committee will consider the proposed permit at its regular meeting to be held on **Friday, March 20, 2020** beginning at 11:30 a.m. at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

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

Becky McErlan
Deputy Secretary

 Islands Trust	HORNBY ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT HO-TUP-2020.1 (Geselbracht and Walker (Laskin)) 3005 St John's Point Road, Hornby Island
---	---

To: Lance Geselbracht and William Walker (Laskin)

1. This Permit applies to the land described below:

PID: 003-869-008

LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 18085

2. Pursuant to Section 493 of the *Local Government Act* and Section 6.10 of the Hornby Island Official Community Plan Bylaw No. 149, 2014, and despite Hornby Island Land Use Bylaw No. 150, 2014, this Permit is issued to allow the following:

2.1 To operate a food truck and trailer.

3. This permit is subject to the following conditions:

- a) The general layout of the food truck and trailer shall be in substantial accordance with Schedule "A" – Subject Property Map, Schedule "B" – Site Plan and Schedule "C" – Parking Plan, which are attached to and form a part of this permit, as signed and dated by the Deputy Secretary, Islands Trust.
- b) The food truck and trailer may consist of one 8 feet x 28 feet (20.8 m²) structure and one 10 feet x 30 feet (27.9 m²) as shown on Schedule "B" – Site Plan.
- c) The operation of the food truck and trailer shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m.
- d) A total of twelve (12) vehicle parking spaces shall be provided on site designed to the standards of Hornby Island Land Use Bylaw No. 150, 2014.
- e) Signage shall meet the sign regulations in the Hornby Island Land Use Bylaw No. 150, 2014.
- f) An emergency spill kit shall be kept on site for the period of the operation of the food truck and trailer, it shall be kept fully supplied at all times and the operator shall ensure that there is personnel on site at all times during the operation of the food truck and trailer that are familiar with its use.
- g) The holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, Islands Trust staff may enter the property during

business hours to ensure compliance with the Temporary Use Permit.

4. It is the responsibility of the permit holder to obtain any required authorization under the *Sewerage System Regulation* or any other relevant legislation pertaining to wastewater.
5. It is the responsibility of the permit holder to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. This Permit is valid for a period of three years from the date of issuance.
7. This is not a Building Permit or a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed land use.

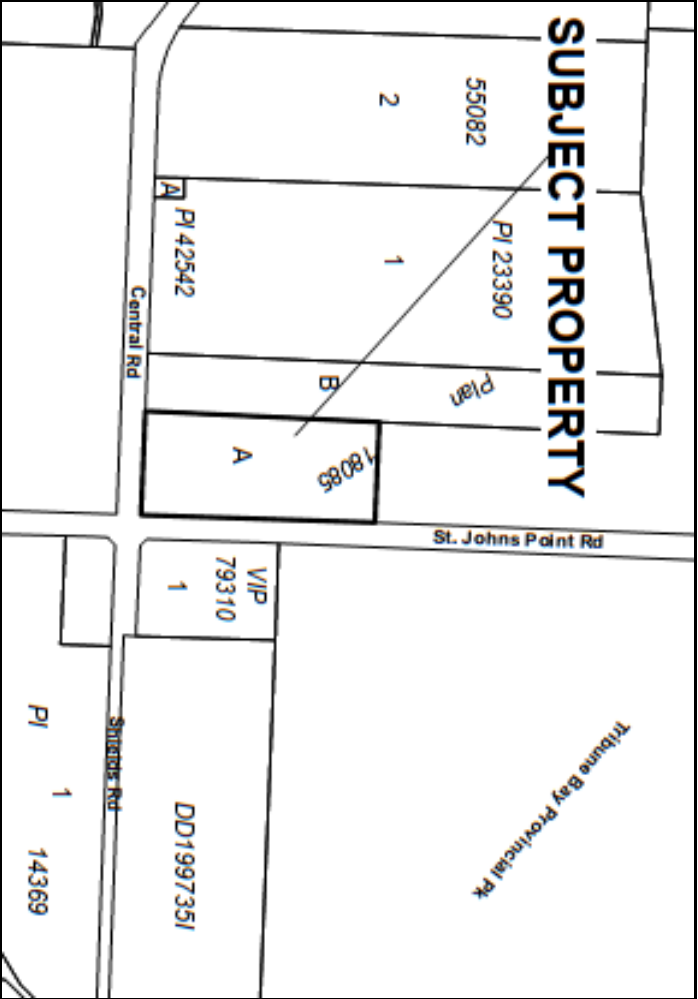
**AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS _____TH
DAY OF _____, 2020.**

Deputy Secretary, Islands Trust

Date Issued

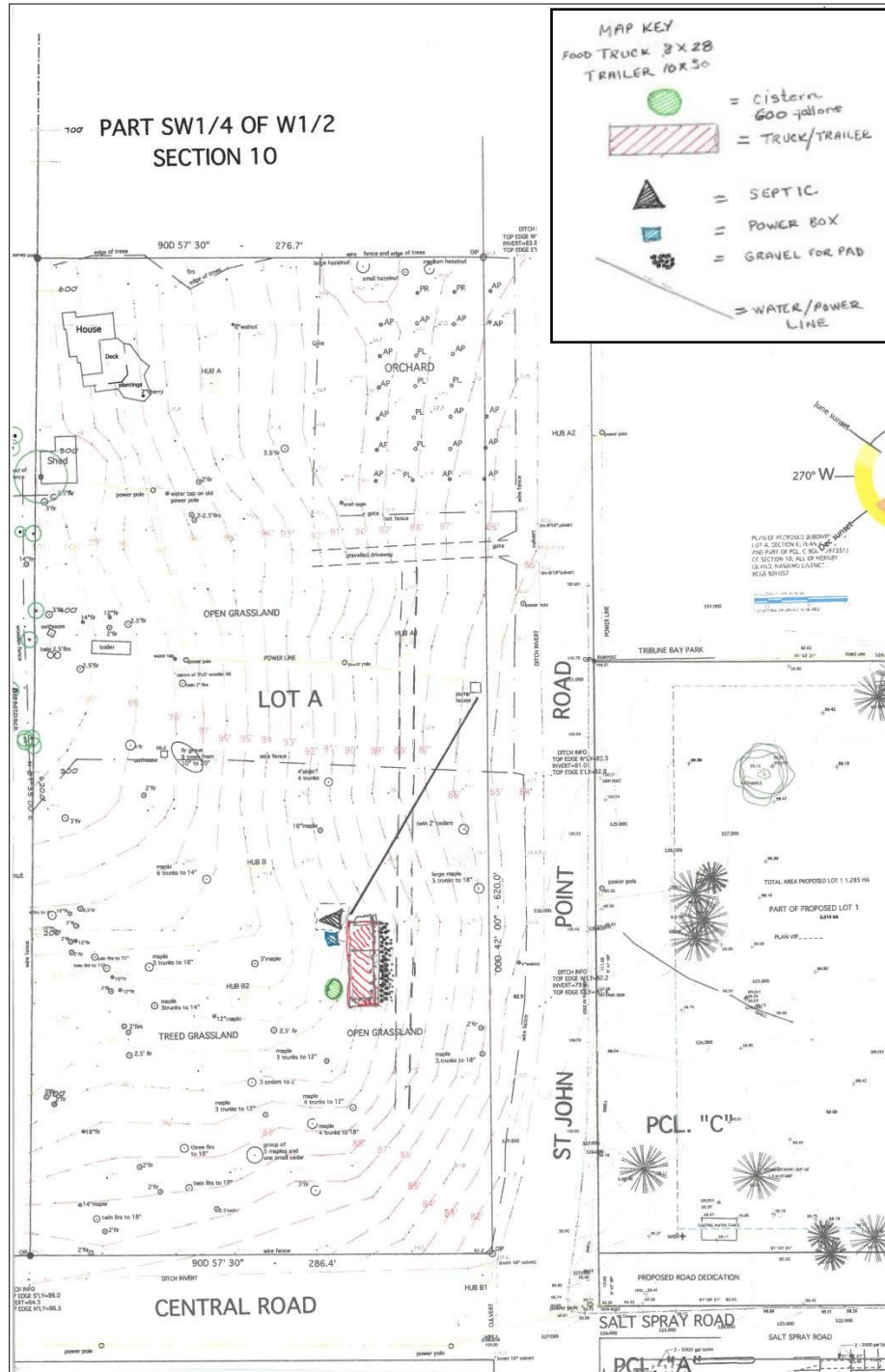
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2020.1 (Laskin)

SCHEDULE "A"
Subject Property Map



HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2020.1 (Laskin)

SCHEDULE "B"
Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2020.1 (Laskin)

SCHEDULE "C"
Parking Plan



December 16, 2019

Jaime Dubyna
Islands Trust
Planning Department
Gabriola Island, BC

Sent via e-mail: jdubyna@islandstrust.bc.ca

**RE: SEPTIC SYSTEM EVALUATION for TEMPORARY USE PERMIT – 3005 ST. JOHNS POINT ROAD, HORNBY ISLAND
OUR FILE: 0954**

Dear Jaime:

I have completed my site and soil evaluation for a proposed septic system at the above noted property in accordance with the BC Sewerage System Regulation (SSR). The proposed system is for a take-out food business (bakery, pizza etc) and includes provision for the kitchen drains, a hand-wash sink and a toilet for employees only. The system is a Type 1 as defined in the SSR, consisting of a septic tank with effluent filter and an effluent pump to a drainfield using pressure distribution.

The attached preliminary plan shows the proposed system layout. In conclusion I report that the system will be designed and installed in accordance with Standard Practice and if operated and maintained in accordance with the regulations will not cause a health hazard.

I trust the foregoing meets your needs regarding septic system approval for the Temporary Use Permit application.

Yours truly,


Ron McMurtrie, P.Eng.

16/12/2019

cc Jane and Jon Laskin
cc Lance Geselbracht
cc Josh Moran, VIHA

3005 ST. JOHN'S POINT ROAD,
HORNBY ISLAND, BC

16/12/2019

RM.

REVISION 1
05/03/2020



1 Feb. 2020

[REDACTED]
Hornby Is., BC V0R 1Z0

Islands Trust
700 North Rd.
Gabriola Is., BC V0R 1X3
c/o Jaime Dubyna, Planner 2

Re: Zoning variance application by Jon & Jane Laskin for a bakery & pizzeria on Hornby Island

I write in support of the above variance.

Their new location on St. John's Point Rd., although officially zoned Residential, is at the centre of an already heavily commercialized area. Traffic and noise generated by patronage there will be far less encroaching than at their previous location on Central Road where it negatively impacted the rural ambience of an Agricultural zone.

I will very much appreciate the granting of this variance.

Yours truly,

[REDACTED]
Cassandra Bassett

RE: Temporary Use Permit Application 0-TUP-2020.1

I am writing in support of Jane and Jon Laskin's temporary land use application for 3005 St. Johns Point Road.

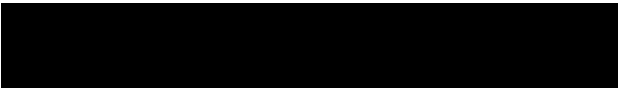
I've reviewed the Laskin's application in detail and feel that the addition of this service would be beneficial to the Hornby community. Currently we have limited options of prepared food in the winter season, and during the summer season the existing options are very busy. The added service would allow two valued and contributing members of the community ongoing employment. One would assume that this endeavor would also have additional employment for community members, allowing them to live on the Island. This is in addition to the capital investment that will be injected into the community by hiring well driller's, engineer's, contractors etc.

It appears that this application also follows Hornby's OCP. It will continue to concentrate the commercial area to the "co-op corners" which I believe is beneficial given the popularity Hornby is and will experience in the future. Furthermore, the proposed property is one of the limited properties in this area that is not zoned ALR.

I hope that Island's Trust and the community sees this temporary use permit application as a positive step forward to supporting local families and increasing the year round services available on the Island.

Jeff Zamluk

Jeff Zamluk





February 11, 2020

To: Jaime Dubyna
Northern Office Islands Trust
700 North Rd.
Gabriola Island, BC V0R 1X3

Email: jdubyna@islandstrust.bc.ca

Re: Temporary Use Permit Application O-TUP-2020.1
Hornby Island Bakery & Pizzeria, Jon & Jane Laskin

Dear Hornby Island Trust, Planning Staff, and Trustees:

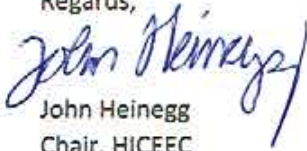
HICEEC is writing to support the Temporary Use Permit for Hornby Island Bakery & Pizzeria to locate their Food Truck business on the property known locally as Four Corners. The proprietors, Jon and Jane Laskin, have provided us with the following background information on their application:

"We are excited to have the opportunity to continue to serve the community with our Food Truck and new Prep/Service Trailer, at this new location, Downtown at the four corners.

"We are putting in a septic field to meet all requirements, as well as 1,000 gallon fresh water cistern, 200 amp electric. We are having built a 10x30 'tiny home' on wheels, for Prep, Storage, and Service, that will match our truck and together they become one by backing the truck up to one end. Also we will provide adequate parking near us for our "take out" customers."

We have confirmed with the owners that this application will meet the Health Department requirements. This business was previously located at Lerena Vineyard, where it operated throughout the winter of 2018/19, providing a welcome year-round option for food service to the community. Once relocation is completed, the business owners intend to resume their full-time operation, with the resulting stimulus to the year-round economy of the Island, operated in an environmentally sensitive manner. Consequently, their application has the support of the Hornby Island Community Economic Enhancement Corporation.

Regards,


John Heinegg
Chair, HICEEC

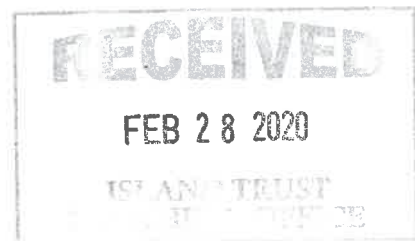
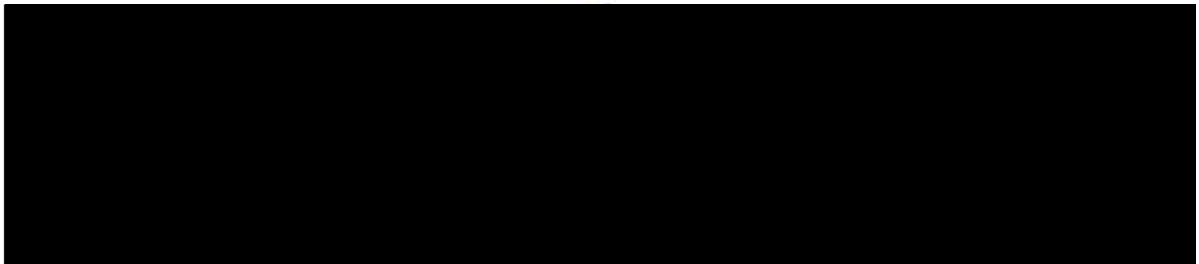
Dear: Islands Trust

I am writing in support of a Temporary Use Permit Application O-TUP-2020.1 for the Hornby Island Bakery and Pizzeria. I believe it will be great to get fresh baked products so close to the Ringside Market. I personally would love to grab a fresh bagel or slice of pizza on the go. This will be another attraction to the Ringside area, thus bringing more business to the other businesses close by. I hope that this letter reaches where it needs to be on time as I have not gotten on it sooner. Thank you very much for your time in reading this

Much respect,

Brittany Jenna Andrews

Hornby Island Local Resident.



Re: Temporary Use Permit Application O-TUP-2020.1

For Hornby Island Bakery & Pizzeria Jon & Jane Laskin

3005 St John's Point Rd Hornby Island BC V0R 1Z0

Dear Jaime Dubyna, MSc. Pl. Planner2,

I have been a permanent resident of Hornby Island since 1971. Two of my four children who grew up here have returned to make their homes here.

Of course I have seen many changes to the Island over that time and I have enjoyed the diversity created by the changes.

I am in total support of the TUP for Jane and Jon Laskin to operate their business of providing food for locals and visitors. The plan and the location are both excellent. That is the perfect location for more activity and a year round food outlet that the Islanders crave.

It is likely that as well as providing a livelihood for Jon and Jane who have returned to live on Hornby full time, that employment for others will be a major part of this initiative.

I am available for a follow up conversation at [REDACTED] if you have any questions or need more information.

Please say YES to a very positive addition to our Island.

Best Regards,

Betty Kennedy

[REDACTED] Hornby Island BC

[REDACTED]

February 23, 2020



February 24, 2020

Jaime Dubyna MSc.Pl. Planner 2

Northern Office Islands Trust

700 North Rd

Gabriola Island, BQ0R 1X3

Jaime,

I have been a resident homeowner since 1975 on Hornby Island. I am writing in support of TUP application O-TUP-2020.1, site located at 3005 St. John's Point Rd, Hornby Island.

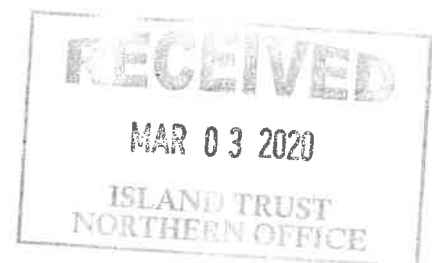
A TUP for a food truck and portable prep trailer, with approved septic, potable water and hydro providing take out food to residents and visitors on Hornby Island would be a welcome service. That location, in the commercial area of the Co-op store and gas station is suited for this use. Proper parking space is a necessary part of this new service offered. The parking provided by the Co-op would not be adequate for any new business added to the 4 corners area.

Thank you for considering granting this TUP.

Sincerely,

[REDACTED]
Lynn Nunley

[REDACTED]
Hornby Island, B.C. V0R1Z0
[REDACTED]





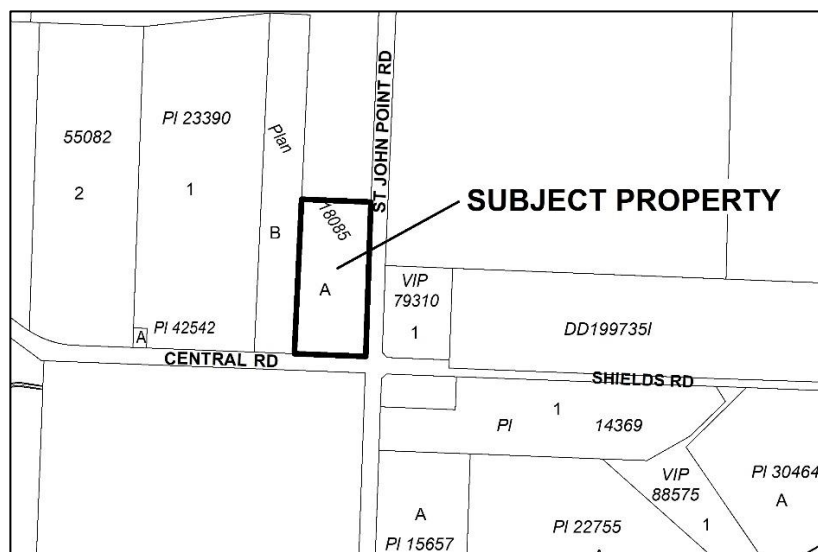
**HO-TUP-2021.1 Staff Report
Attachment 3 - Public Notice**

**NOTICE
HO-TUP-2021.1 (LASKIN)
BY ISLAND LOCAL TRUST COMMITTEE**

NOTICE is hereby given pursuant to Section 494 *Local Government Act* that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot A, Section 10, Hornby Island, Nanaimo District, Plan 18085 (PID: 003-869-008). This property is located at **3005 St. John's Road**.

The purpose of this Permit is to expand the permitted uses authorized by the Hornby Island Local trust Committee (LTC) under HO-TUP-2020.1 issued on March 26, 2020, to allow for the sale of alcohol from the Food Truck and Trailer on the subject property under a Food Primary License to be granted by the provincial Liquor and Cannabis Regulation Branch (LCRB).

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



Enquiries or comments:

Should be directed to Ian Cox, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867, before **4:00 p.m., July 15, 2021**.

Written submissions:

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

A copy of the proposed Permit is available to view at the Islands Trust Office, 700 North Road, Gabriola, BC and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/hornby/current-applications/> commencing **July 05, 2021** and continuing up to and including **July 16, 2021**.

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:00 am, Friday, July 16, 2021**.

To Participate or Attend:

Electronically: <https://islandstrust.zoom.us/j/61612350880>

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

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

Webinar ID: 616.1235.0880

To watch only: Live Stream: <https://colaboratevideo.net/islandstrust/C>

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

Becky McErlean, Deputy Secretary

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

DATE OF MEETING: July 16, 2021
TO: Hornby Island Local Trust Committee
FROM: Teresa Mahikwa, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Minimum Average Lot Area - Amendments to the OCP and LUB

RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee amend proposed Bylaw No. 166, cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021,” as follows:

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

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

2. That Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021,” be read a second time, as amended.
3. That Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021,” be read a second time.
4. That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and a Public Hearing for Bylaw No. 166, cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider amending proposed Bylaw No. 166, and then to consider second reading of proposed Bylaw No. 166, as amended. And to request staff to schedule a Community Information Meeting (CIM) and a Public Hearing (PH) for the LTC meeting on October 8.

The Hornby Island LTC is also asked to consider second reading of proposed Bylaw No. 167. As the LTC has already passed a resolution to request the Public Hearing for BL 167 to be waived, staff will publicly advertise the waiving of the Public Hearing in advance of the October LTC meeting, where third reading and forwarding to the Islands Trust Executive Committee for approval may be considered.

BACKGROUND

The LTC passed resolutions at the March 26, 2021 regular business meeting in order to give first reading to both Bylaw No. 166 (OCP amendments), and Bylaw No. 167 (LUB amendments), as well as to refer both Bylaws to First Nations, Local Governments, and other agencies for comment. Comments received at the time of writing this report have been included below in the Consultation sections of this report.

At the March meeting, the LTC also passed a resolution to waive the requirement for a public hearing for Bylaw No. 167 as it is consistent with the OCP.

However, at the May 21, 2021 regular business meeting, the LTC noted they had received a letter from Kaeley Wiseman of Wiser Projects (Attachment 4), and passed the following draft resolution in response:

HO-2021-036

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to report on the Wiseman letter of May 19, 2021, regarding its proposals for Minimum Average Lot Area amendments, and how these proposals relate to the Official Community Plan Bylaw No. 166, for consideration at the July 16, 2021 Hornby Island Local Trust Committee meeting.

CARRIED

Because of the LTC's request, and the fact that some of the MALA ideas proposed by Wiseman could involve very substantial changes to the OCP and LUB, staff had to delay proceeding with public notification to waive the Public Hearing (PH) for Bylaw No. 167, as well as delay advertising a PH for Bylaw No. 166 in advance of today's (July 16) LTC meeting, in order for the LTC to further consider Wiseman's letter (Attachment 4). Staff analysis is included below, beginning on page 5 of this staff report.

As a result, the work plan timeline in the current Project Charter (Attachment 1) needs to be extended, and a Community Information Meeting (CIM) and PH will be planned to be held at the October meeting. Staff advise that this extended timeline to the project will affect Hornby residents who continue to wait for the Bylaw No. 167 LUB amendment to be approved and close the MALA loophole that is currently preventing them from subdividing in the R2 zone (see the M. Burrows and D. Gutstein email to the LTC, Attachment 5).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement (ITPS):

At the March 26, 2021 regular business meeting, the LTC passed resolution numbers 2021-026 and 2021-028, determining and confirming that neither proposed Bylaw No. 166, nor proposed Bylaw No. 167, are contrary to or at variance with the ITPS.

Issues and Opportunities

Reference to LGA Section

Following the March 26 LTC meeting, staff noticed that amendment 1.1 in proposed Bylaw No. 166 erroneously referred to “Section 946” of the *Local Government Act* (LGA), which refers to the previous version of the LGA. Subdivision to provide residence for a relative now falls under “Section 514” of the current version of the LGA, so staff are recommending, as per page 1 of this report, that this change be made for clarity, prior to second reading of proposed Bylaw No. 166.

Consultation

Timeline

As the referral period for consultation has completed, the next steps for the proposed Bylaws in this project are:

LTC Meeting Dates (2021)	Proposed Bylaw No. 166 (OCP amendments)	Proposed Bylaw No. 167 (LUB amendments)
July 16	Staff are recommending: • LGA Section 514 amendment; • 2nd reading, as amended • Request staff to arrange for PH for October LTC meeting	Staff are recommending: • 2nd reading; Following this, staff will then advertise waiving the PH in advance of the October LTC meeting.
October 8	Potential steps: • Community Information Meeting (CIM) and Public Hearing (PH) to hear from the public regarding proposed BL 166; • Following the CIM/PH: 3rd reading of BL 166 and forward to Islands Trust Executive Committee (EC) and the Ministry of Municipal Affairs and Housing (MMAH) for approval.	Potential steps: • 3rd reading; • Forward to the EC for approval.
December 10	Once approved by EC and MMAH (likely a number of months to wait), staff would return BL 166 to the LTC for final adoption.	Once forwarded to EC for approval, staff will aim to have BL 167 on the EC agenda for consideration at their scheduled October 27 meeting. Assuming EC approval of BL 167, staff will bring BL 167 back to the LTC for final adoption, thereby completing that portion of the MALA project.

Local Governments & Agencies

Staff referred both proposed Bylaws No. 166 and 167 to the following agencies for review and comment, with a response deadline of May 19, 2021, though no responses or comments were received before the deadline:

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

For the record, the Denman Island Local Trust Committee responded with “Interests unaffected by Bylaws” on June 4, and Island Health also responded with “Interests unaffected by Bylaws” on June 8.

First Nations

Staff also referred both proposed Bylaws No. 166 and 167 to the following First Nations for review and comment, with a response deadline of June 25, 2021, and the referral responses received are summarized as follows:

FIRST NATION	REFERRAL RESPONSE
Cowichan Tribes	No comment on the Bylaws.
Halalt First Nation	No response received.
Homalco (Xwemalhkwu) First Nation	No response received.
K'ómoks First Nation	No response received.
Lake Cowichan First Nation	No response received.
Lyackson First Nation	No response received.
Nanwakolas Council	No response received.
Penelakut Tribe	No response received.
Qualicum First Nation	No response received.
Stz'uminus First Nation	No response received.
Tla'amin Nation	No response received.
We Wai Kai Nation	No comment on the Bylaws.
Wei Wai Kum Nation	No comment on the Bylaws.

Public Notification and CIM/PH:

Bylaw No. 166 (OCP amendments): Staff are recommending a Community Information Meeting (CIM) / Public Hearing (PH) be held following the regular business portion of the October 8 LTC meeting, in order to hear from Hornby residents about the proposed amendments in Bylaw No. 166. Subject to LTC concurrence, staff will circulate the notification of the PH for Bylaw No. 166 in advance of the October LTC meeting.

Bylaw No. 167 (LUB amendments): The LTC has waived the requirement for a Public Hearing for proposed Bylaw No. 167, as the bylaw is consistent with the OCP. Staff will proceed with public notification as per Section 467 of the *Local Government Act* to waive the PH for Bylaw No. 167 in advance of the October LTC meeting.

Correspondence – Letter from Kaeley Wiseman (see Attachment 4)

As mentioned above, the LTC passed draft resolution HO-2021-036 requesting staff to report back on the K. Wiseman letter, regarding how her proposed MALA amendments relate to proposed Bylaw No. 166 (the OCP amendments).

Staff understand that the type of development that Ms. Wiseman would like to enable is single-family homes on lots smaller than 1 hectare in the R2 zone where there a park or trail is proposed somewhere in the subdivision. Her argument seems to be that the Hornby OCP already includes an intent to allow this. Staff disagree; we interpret the current OCP and LUB language to only support lots smaller than 1 ha in R2 if the smaller lots will be dedicated exclusively as park. Therefore, allowing single-family homes on small lots in R2 is a significant policy shift that would trigger the need for further amendments to the OCP and LUB, and the LUB bylaw to be subject to a public hearing.

Ultimately, Wiseman proposes the following amendment to Policy 6.3.3.1 for properties with Rural Residential (RR) designation (though similar wording is also included in proposed BL 166 amendment to Policy 6.3.4.1 for properties with the Forest (F) designation):

“Under Proposed Bylaw 166 [Policy 6.3.3.1] it currently states:

A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.

Modifications to the Proposed Bylaw are suggested as below (additions in **bold**).

*Smaller minimum lot sizes than is established within the Land Use Bylaw may be considered if **a portion** of the subdivision is for the purpose of creating a park, **trail**, ecological reserve, community land trust or other community service.”*

Current OCP Policy 3.3.1 already clearly states that at the time of subdivision, park dedication “could take the form of trails, or parkland” – thus, adding the word “trail” to Policy 6.3.3.1 to expand on what is meant by “park”, is likely to be redundant, as Planners already review all OCP policies for parks and protected areas in their entirety when reviewing subdivision applications, and especially those developments which propose space that is dedicated to benefit the Hornby community.

In her letter, Wiseman also suggests that there are 3 OCP policies which support a broader interpretation of 6.3.3.1 to support smaller-than-1-ha lot sizes for residential use so long as a donation/allocation of park space is made, namely OCP Policies 3.3.3, 3.3.4, and 3.3.8 (Policies under Section 3.3 “Parks and Protected Areas”).

It is staff’s interpretation that the intent of the current OCP Policy 6.3.3.1 is *not* to be broadly interpreted as Wiseman purports: i.e. if **a portion** of a subdivision dedicates **a trail**, then **small lot sizes** (less than 1 hectare) may be considered **for the rest of the proposed development**. Rather, staff reiterate that the intent of OCP Policy 6.3.3.1 has already been through public interpretation and public hearing by the Hornby community, and that current regulation 6.2(1)(b) (exemptions to lot size for instances where it is to be used *solely* for community benefit) of the Hornby Land Use Bylaw was included with the intent to be consistent with that interpretation.

As was noted in the March 26 staff report, the interpretation of the intent of OCP Policy 6.3.3.1 seems to be consistent with the wording used in current LUB regulation 6.2(1)(b), the intent of which is to implement OCP Policy 6.3.3.1:

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

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

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

In consideration of both the OCP policy 6.3.3.1 and LUB regulation 6.2(1)(b) above, in order for a proposed subdivision to be exempt from a zone’s minimum lot size (i.e. 1 ha in the R2 zone), any proposed lot(s) that are less than 1 ha in size must be used *solely* as mentioned in the regulation: not for residential use but for community benefit, and a covenant must also be granted to ensure such use. The intent is to allow for smaller-than-required lots if they are for ecological preservation, protection, and the creation of community amenities in perpetuity for Hornby residents rather than in the best interest of a developer being able to sell smaller lot(s). This clarity is provided in the OCP background for section 6.3.1:

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

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

In her letter, Wiseman also refers to a number of other Islands Trust areas (Denman, Gabriola, Galiano, and Salt Spring) which have residential zones with lot sizes of 1 ha or less, though staff recognize that it is difficult to make such comparisons between islands, because many factors are involved in developing such policy on other islands (the freshwater availability in an area; input from local residents, agencies and First Nations; and other biological and ecological considerations for the carrying capacity and density of a specific area etc.).

Further, although there may be a few existing “small lots” (under 1 ha in size) in the R2 zone on Hornby Island, as noted in the background for section 6.3.1 of the OCP, these small lots,

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

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

Thus, as previously noted by staff during the May 21 LTC meeting, Wiseman’s proposed wording may seem like minor semantics, but would have larger implications for both of the proposed bylaws (BL 166 – OCP amendments and BL 167 – LUB amendments). For instance, changing the wording to only consider “a portion of” a subdivision, could have unintended consequences of density increase for the island. Such a change would therefore make the LUB inconsistent with the OCP, so LUB amendments would need to be made, thereby the scope and work plan for the MALA project would need to be extended.

Staff also note that the LTC’s rationale for this top priority project was to address the fact that there are applicants on Hornby Island (Attachment 5) who wish to subdivide but cannot under the current bylaw wording and are waiting for the minor amendment in BL 167. Staff advise that the implications of the above are potential delays to the LTC’s project timeline and that the Project Charter scope and work plan would need to be amended.

If the LTC wishes to make such an amendment, staff recommend that the scope of this project be widened, the work plan be extended, and a Public Hearing be held for proposed BL 167 (the LUB amendments) as well.

Rationale for Recommendation

Bylaw No. 166 (OCP amendments): Given the one staff-recommended amendment to proposed Bylaw No. 166, and that no strong concerns from agencies or First Nations came forward during the referral period, staff are recommending that proposed Bylaw No. 166 be given a minor amendment in the form of replacing the reference to LGA Section 946 with Section 514, and then be given second reading as amended. And to request staff to schedule a Community Information Meeting and a Public Hearing for the LTC meeting in October. Staff are not recommending changes to the OCP that would be necessary to implement the Wiseman request.

Bylaw No. 167 (LUB amendments): Staff are recommending that changes to the LUB be consistent with the first reading draft of the bylaw and are not recommending changes that would be necessary to implement the Wiseman request. Since the requirement for a Public Hearing has been waived for proposed Bylaw No. 167, staff will publicly advertise the waiving of the Public Hearing in advance of the October LTC meeting, where third reading and forwarding to the Islands Trust Executive Committee for approval may be considered.

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. Staff advise that the implications of this alternative are potential delays to the LTC’s work plan timeline in the Project Charter. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request the following information [list].

2. Receive for information

The LTC may receive the report for information.

3. Amend the MALA Project Charter (Scope and Work Plan)

The LTC may wish to amend the project charter (scope and work plan) for this project to implement the Wiseman request. Staff advise that the implications of this alternative include delays to the LTC's work plan timeline, and note the need to rescind the previous motion to waive the requirement for PH for BL 167. Recommended wording for three necessary resolutions are as follows:

That the Hornby Island Local Trust Committee request staff to amend the project charter for the MALA project as follows: [list amendments]

That the Hornby Island Local Trust Committee rescind the following resolution:

HO-2021-030

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 167 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021" as the Bylaw is consistent with the Hornby Island Official Community Plan No. 149, 2014, and request staff to proceed with public notification as per Section 467 of the *Local Government Act*.

CARRIED

That the Hornby Island Local Trust Committee request staff to amend proposed Bylaws 166 (cited as Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021) and 167 (cited as Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021), to be consistent with the Kaeley Wiseman letter dated May 19, 2021.

NEXT STEPS

Bylaw No. 166: Subject to concurrence with the staff recommendations, staff would plan to hold a Public Hearing/ CIM for proposed Bylaw No. 166 following the regular business portion of the July 16, 2021 LTC meeting.

Bylaw No. 167: Subject to concurrence with the staff recommendations, staff would forward proposed Bylaw No. 167 to EC for approval. Once approved by EC, staff would arrange for the Hornby LTC to adopt BL 167 by RWM.

Prepared and Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	June 30, 2021
Concurred in By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	July 6, 2021

ATTACHMENTS

1. Project Charter v. 1.1
2. Proposed Bylaw No. 166
3. Proposed Bylaw No. 167
4. K. Wiseman letter – May 19, 2021
5. M. Burrows & D. Gutstein email – May 31, 2021

Minimum Average Lot Area Project - Charter v 1.1

Hornby Island Local Trust Committee

Date: March 26, 2021

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

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

Objectives

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

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

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

Budget:

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

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

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 166

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. Citation

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

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

READ A FIRST TIME THIS 26TH DAY OF MARCH , 2021

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202x

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202x

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 167

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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

1. Citation

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

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

READ A FIRST TIME THIS	26 TH	DAY OF	MARCH	2021
READ A SECOND TIME THIS	_____	DAY OF	_____	202x
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	202x
READ A THIRD TIME THIS	_____	DAY OF	_____	202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	_____	DAY OF	_____	202x
ADOPTED THIS				
	_____	DAY OF	_____	202x

Chair

Secretary

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

Schedule “1”

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



via: email

May 19, 2021

RE: Minimum Average Lot Areas

Dear Islands Trust Committee,

I am writing to you today regarding an Amendment to the Official Community Plan (OCP) and Land Use Bylaw regarding Minimum Average Lot Areas, which I understand is being discussed in the current OCP update process. I have reviewed the relevant policies, as well as staff analysis in the March 26, 2021 Staff Report to the Hornby Island Local Trust Committee (LTC), and would like to provide my professional opinion on this issue.

In their analysis, Staff have concluded that policy **6.3.3.1** in the OCP indicates that:

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

The intention of this is to allow for lot sizes smaller than 1 ha *only if* the smaller lot is used for the purpose of park/ecological reserve/land trust/etc., and the remaining residential lots *must* adhere to the LUB minimum of 2ha. Therefore, a lot smaller than 4ha in size may only be subdivided if one new parcel is at least 2ha and any others that are smaller than 2 ha are used for public benefit.

However, other policies in the OCP provide an alternative interpretation of 6.3.3.1 which support smaller lot sizes for residential use. The following policies provide support for the intent that the LTC should seek to obtain land for parks, ecological reserves, land trusts etc. at every opportunity.

- **Policy 3.3.3** states “the Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.”
 - This suggests that the LTC should be motivated to obtain land for parkland etc. in all cases of subdivision. This could include when subdivided parcels are less than 2 ha.



Wiser Projects

Competent. Creative. Committed.

- **Policy 3.3.4** states “The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site-specific basis and upon application.”
 - This indicates that while the general goal of the LUB is to maintain 2 ha residential lots, the LTC may consider alternatives to this if/when there is the possibility that the subdivision will result in acquiring land for parkland etc.
- **Policy 3.3.8** states that “The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.”
 - This generally supports subdivision adjacent to existing parks to increase the area of the park through a donation of subdivided land.

These three policies support the broader interpretation of Policy 6.3.3.1 that lot sizes smaller than 1 ha, regardless of whether the lot in question is for park dedication or for residential use, are allowable as long as it results in donation/allocation of land for park space. Further, the tables below provide an overview of other Gulf Island subdivision allowances, suggesting broader interpretation of policies provides value, while addressing specific requirements, provides certainty on the protection of environment and/or meeting of community goals.

Gabriola	
Zoning	Lot size
D1 Residential	0.5 ha
D1.2 Large lot rural	2 ha

Salt Spring	
Zoning	Lot size
CA4	0.32 ha if connected to sewage collection system
CA5	0.6 ha with on site-sewage treatment or connected to sewage collection system

5.8.1 Subdivisions must comply with the minimum and average lot area regulations set out in Part 9 of this Bylaw except that a park to be dedicated upon deposit of the subdivision plan need not comply with those regulations.



Wiser Projects

Competent. Creative. Committed.

Denman Island	
Zoning	Lot size
R1	1 ha

Galiano	
Zoning	Lot size
VR1 (Village residential)	0.4 ha may be created by subdivision.
VR2	0.6 ha where each lot in the proposed subdivision will be connected to a community water system and a community sewer system; and 0.8 hectares in all other cases.
SLR (Small Lot Residential)	0.6 hectares where at least one of the boundaries of the lot is the natural boundary of the sea; and 0.8 hectares in all other cases

In my professional opinion, now is an appropriate time to rectify these various interpretations of this policy through a modification to the policy language, ensuring clarity while also providing future flexibility for the LTC to realize community-oriented opportunities. Under Proposed Bylaw 166 it currently states:

A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.

Modifications to the Proposed Bylaw are suggested as below.

Smaller minimum lot sizes than is established within the Land Use Bylaw may be considered if a portion of the subdivision is for the purpose of creating a park, trail, ecological reserve, community land trust or other community service.

Thank you,

Kaeley Wiseman

Kaeley Wiseman, MCP, RPP, MCIP, PMP

Principal, Wiser Projects

From: Donald Gutstein <[REDACTED]>
Sent: Monday, May 31, 2021 7:02 PM
To: Heather Kauer <hkauer@islandstrust.bc.ca>
Cc: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>
Subject: Possible complications with Minimum Average Lot Area Amendments Project (MALA)

Hello Heather,

I'm sending you our further thoughts regarding possible complications with the Minimum Average Lot Area Amendments Project (MALA).

We urge the LTC to move forward with the change to the bylaw as agreed to at the March 26, 2021 LTC meeting. It is simple and straightforward and can be quickly implemented.

Regarding a possible amendment to the bylaw, what kind of a trail or park would be of such benefit to the community that the developer would be rewarded with double the density? This is a difficult question and will require considerable thought and discussion. It should form an entirely separate project.

It is now over two years since we started the process of applying for a subdivision under what we believed to be--and were encouraged to believe--were the existing regulations--4 hectares. And it is over a year since we received notice that our subdivision could not proceed because we needed at least 8 hectares -- the very provision that is being changed because of its inconsistency with everything else.

The LTC should wrap up this simple process that will impact a number of properties. Then it can address developer-initiated proposals as they are presented to the LTC.

Thank you,
Mae Burrows and Donald Gutstein

From: Anthony Law [REDACTED]
Sent: Saturday, July 3, 2021 9:26 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>; Laura Busheikin <lbusheikin@islandstrust.bc.ca>; Wendy Burton <wendy.burton@ufv.ca>
Subject: K'omoks Cultural and Heritage Policy

To Hornby Island Local Trust Committee:

The City of Courtenay is moving forward to work with the K'ómoks First Nation in order to implement their Cultural and Heritage Policy.

Chief Nicole Rempel has stated: "KFN expects that all levels of municipal government within KFN traditional territory ... directly engage in the reconciliation process by formally acknowledging KFN's CHP [Cultural and Heritage Policy]".

Courtenay, Comox, Cumberland, and the Comox Valley Regional District have all been working on this with K'ómoks First Nation.

What process is in place for the Hornby Island Local Trust Committee to implement the Cultural and Heritage Policy?

Scroll down on this link to see the full policy:
<https://komoks.ca/departments/lands-program/>

Thank you.

,

Tony Law

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



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY BOARD MEETING (OPEN PORTION)

Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings introduced the board to Islands Trust Conservancy's newest staff member: Conservation Technician Co-op Student Devin Hentschel. The Conservation Technician role will assist Islands Trust Conservancy Covenant and Outreach Specialist Jemma Green and Property Management Specialist Nuala Murphy with covenant and property monitoring this summer. Devin Hentschel is a fourth-year student at the University of Victoria, majoring in Biology and minoring in Anthropology, has a passion for environmental and wildlife conservation, and is interested in citizen science projects that aim to involve, support, and collaborate with First Nations.

2. STRATEGIC PLANNING/ADMINISTRATION

- Islands Trust Senior Policy Advisor Dilani Hippola presented information on the Islands Trust Policy Statement Amendment Project, confirming that the board would be able to provide a written response after first reading by Trust Council, and emphasizing that it is a living document that will continue to change and evolve over time, with more frequent (e.g., annual) reviews. The board suggested that the project and document re-write focus more on the importance of *island* biodiversity and ecology (as opposed to biodiversity, in general). It was noted that Ecosystem Protection Specialist Kathryn Martell contributed substantively to the current draft, as did Islands Trust Conservancy Manager Kate Emmings. It was also noted that Islands Trust Conservancy is not subject to the Policy Statement as it operates under a separate Five-year Plan. While there are some references to the Conservancy in the current draft, it is not included in the policy directives.

3. COVENANT AND PROPERTY ACQUISITIONS

- Islands Trust Conservancy approved a Morrison-Waxler Biodiversity Protection Legacy Fund Grant of \$5,500 for survey and baseline report costs for a NAPTEP covenant on lands owned by Lisa Baile and Peter Paré, of North Pender Island. The Morrison-Waxler Biodiversity Protection Legacy Fund Grant Program is only available on North and South Pender and is available to landholders who wish to place conservation covenants on their lands.



**ISLANDS TRUST CONSERVANCY
REPORT TO LOCAL TRUST
COMMITTEES AND BOWEN ISLAND
MUNICIPALITY, CC TO EXECUTIVE
May 25, 2021**

4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed a number of updates to the Crystal Mountain Society proposal to create a new nature reserve on Galiano Island as part of a rezoning process with the Galiano Island Local Trust Committee. The board passed several resolutions and forwarded them to the applicant.¹
- The Islands Trust Conservancy Manager and Covenant and Outreach Specialist outlined the Sidney Island Ecological Restoration Plan to the board, who noted that the plan was compatible with the Islands Trust mandate and actions around First Nations reconciliation and climate change. They also noted their appreciation towards the plan's emphasis on ecosystem restoration and animal welfare.

5. COMMUNICATIONS AND OUTREACH

- Acting Islands Trust Conservancy Fundraising Specialist Carla Funk gave a presentation to board members on how to cultivate a culture of philanthropy, explaining why people give and describing how to inspire others through storytelling.
- The Islands Trust Conservancy Board approved a draft for the 2020/2021 Annual Report after calling for a number of slight rewording amendments, and also asked that the contents of the Annual Report be repurposed or otherwise made available to a wider audience – to which staff replied that a donor-oriented “Impact Report” version of this material was planned for publication in the near term.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Islands Trust Conservancy approved two Opportunity Fund Grants: one of \$4,000 to be awarded to the Denman Conservancy Association, and one of \$2,500 to be awarded to the Salt Spring Island Water Preservation Society.

¹ Islands Trust Conservancy Manager Kate Emmings left the meeting for the Crystal Mountain Society application due to a previously declared conflict of interest.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2021.1	Leckie Studio Architects & Design (Cam Koroluk) Planner: Ian Cox	27-Apr-2021	PID: 000-941-328 Carport built too close to property line. Civic: 4280 Brigantine Crescent, Hornby Island, BC.
Planning Status			
Status Date: 28-Jun-2021 Tentative July 16th LTC agenda item.			
Status Date: 10-May-2021 Under review by staff.			
Status Date: 29-Apr-2021 File opened & assigned. Waiting for eTransfer.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2020.1	Dixon Lake Properties Ltd. (Daysgoneby.Org Land Stewards Ltd.) Planner: Jaime Dubyna	13-Oct-2020	PID: 001-034-367 Rezoning. Civic address: 2105 Shingle Spit Road, Hornby Island, BC.
Planning Status			
Status Date: 07-Jul-2021 Site visit.			
Status Date: 17-Jun-2021 Applicant submitted copy of sewage disposal system records, as requested by LTC.			
Status Date: 26-Mar-2021 LTC consideration of preliminary staff report by RWM. LTC requested additional information.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 06-Jul-2021

NARU application approved by ALC. Awaiting updated site plan from applicant to issue SUP.

Status Date: 10-May-2021

No change in status.

Status Date: 21-Apr-2021

No change in status.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.12	McIntyre, Ruth & Bruce	16-Apr-2021	PID: 003-603-288 Replacing old cabin with new. Civic: 7175 Anderson Drive, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-May-2021

Preliminary application review by planner complete. Information requested from applicant

Status Date: 21-Apr-2021

File opened & assigned. Waiting for etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.15	Wyndham, Timothy & Shirley	17-May-2021	PID: 001-728-717 New SFD. Civic: 975 Mount Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 04-Jun-2021

Preliminary review - Information requested of applicant

Status Date: 20-May-2021

File opened & assigned.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.16	Underhill, Graham	25-May-2021	PID: 003-138-909 New modular cottage. Civic address: 7990 Anderson Drive, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-Jun-2021

File opened & assigned. Waiting for Etransfer.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.17	Lewis, Robert & Anita	24-Jun-2021	PID: 002-941-813 Demo of old cabin and new SFD Civic: 5765 Seawright Road, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 30-Jun-2021

File opened & assigned. Waiting for etransfer



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.7	Wiig, Sigurd	09-Feb-2021	PID: 000-041-263 Moving building damaged by storm. Civic address: 3930 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 09-Mar-2021

Phone convo with applicant. Advised that accessory building could not be used as dwelling unit including temporary and transient use. Use must comply with bylaw.

Status Date: 12-Feb-2021

File opened & assigned.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2021.1	Marcus Paterson	17-Mar-2021	PID: 002-657-881 Two lot subdivision. Civic address: 2025 Belcarra Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 07-Apr-2021

On hold per applicant request

Status Date: 19-Mar-2021

File opened & assigned. Waiting for Etransfer.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.2	Payne, Jeremy	12-Mar-2020	PID: 003-869-008 Temporary seasonal food truck. Civic address: 3005 Saint John's Point Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 03-May-2021

Planner completed review of SUP application. VIHA permit pending.

Status Date: 27-Nov-2020

Forwarded to bylaw enforcement.

Status Date: 30-Oct-2020

Planner requested update on pending conditions for issuance of TUP.

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.3	Hornby Island Co-Operative Association Inc.	28-Oct-2020	PID: 026-371-791 Water extraction & sales Civic address: 5875 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 10-May-2021

Awaiting FLNRORD license.

Status Date: 29-Mar-2021

March 26th LTC issued permit conditional on FLNRORD water license.

Status Date: 12-Mar-2021

On March 26 agenda.



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2021.1	Hornby Island Bakery's Pizzeria	30-Apr-2021	PID: 003-869-008 TUP required for outdoor patio seating. Civic address: 3005 St. John's Point Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 28-Jun-2021

Under review by staff. Possible July 16th LTC agenda item.

Status Date: 24-Jun-2021

File opened & assigned.

Status Date: 30-Apr-2021

Application received; discussions ensued, further information provided.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending May 2021

635 Hornby	Invoices posted to Month ending May 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	269.00	0.00	269.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,386.00	336.30	2,049.70
65210-635	LTC - Local Exp - APC Meeting Expenses	370.00	178.35	191.65
65220-635	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>514.65</u>	<u>2,785.35</u>
Projects				
73001-635-2004	Hornby OCP/LUB	1,600.00	0.00	1,600.00
TOTAL Project Expenses		<u>1,600.00</u>	<u>0.00</u>	<u>1,600.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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

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

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

No.	Meeting Date	Resolution No.	Issue	Policy
9.	November 6, 2020	HO-2020-081 See HO-2017-011 and 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.



Top Priorities Report

Hornby Island

1. Comprehensive OCP Review

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

Responsible

David Marlor

Dates

Rec'd: 06-Nov-2020

2. Watershed Protection and Groundwater Preservation

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

Responsible

William Shulba

Dates

Rec'd: 08-Jun-2018

3. Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.

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

Responsible

Heather Kauer

Dates

Rec'd: 06-Nov-2020

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



Islands Trust Council Highlights June 8th and 9th , 2021

The following is a list of highlights of Trust Council's activities and decisions during its June 8-9, 2021, meeting held electronically. These highlights are not the official minutes of the Trust Council meeting; Trust Council will adopt those at its Special Electronic meeting scheduled July 7th and 8th, 2021.

Land Acknowledgement / Call to Order

Trust Council members and staff stood for 215 seconds of silence to acknowledge the residential school survivors and their loved ones profound grief and loss over the May 27th discovery of 215 lost children found at the Kamloops residential school.

Amendments to Trust Council Policies

Trust Council amended the following policies: 2.3.1, Council Committee System; 7.4.1, Incoming Local Trust Committee Correspondence; 2.1.6 Legal Advice; 6.9.2 Legal Services Access and Management and repealed 6.9.1 Legal Services Management.

Application Processing Services Policy and Model Fees Bylaw

Trust Council adopted new policy 5.6.1, Application Processing Services, and requested each local trust committee consider adoption of this new policy.

Natural Area Property Tax Exemption Program (NAPTEP) Certificate Issued

Sections of a property located at 3209 Armadale Road and 3210 Clam Bay Road on North Pender Island were issued a NAPTEP certificate subject to registration of the covenanted portion.

Annual Report

Trust Council approved the draft report as presented which will be submitted to the Minister of Municipal Affairs for consideration.

Correspondence

Trust Council received over 40 pieces of correspondence regarding the Policy Statement Review which were referred to the Trust Programs Committee for consideration and inclusion in the review process.



News Release

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone **250.405.5151** FAX: 250.405.5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

information@islandstrust.bc.ca www.islandstrust.bc.ca

June 18, 2021 – for immediate release

2021-12-IT

July 7-8, 2021, Special Trust Council Meeting to Consider First Reading of the Draft of the New Policy Statement

Lək'wəḡən, METULIYE/Victoria, B.C. – Islands Trust Council invites the public to participate in a special meeting being held electronically July 7-8, 2021, to consider first reading of the draft of the new Islands Trust Policy Statement. The public can view the electronic meeting live stream in real-time on a computer or smartphone via the Islands Trust website, listen and participate by telephone, or join the meeting by Zoom.

The special meeting will begin at 7:00 p.m. on Wednesday, July 7, with a town hall session until 9:00 p.m. that evening. Without giving any advance notice, members of the public can speak to trustees for up to two minutes. The meeting Chair will make every effort to hear all members of the public, but reserves the right to limit the number of speakers and speaking time. On the second day of the meeting, July 8, Trust Council will consider first reading of the draft of the new Policy Statement.

The Islands Trust Policy Statement expresses how Islands Trust Council plans to carry out its unique preserve and protect mandate and shapes land and marine use planning in the Islands Trust Area. The last version of the Policy Statement was written in 1994. This revision is a historic amendment that addresses the guiding principles of reconciliation and aligns the new Islands Trust Policy Statement with the *Declaration on the Rights of Indigenous Peoples Act*. The Islands Trust Council is also updating the Policy Statement to address Trust Council's response to the climate emergency and affordable housing challenges. The Policy Statement helps shape the 20 official community plans—documents providing direction for the community—and associated bylaws, policies, and regulations.

“We are thankful for all the engagement and input from members of the public over the last 18 months and for the meaningful and collaborative relationships with First Nations as we worked towards developing a new draft of the Policy Statement. First reading will signal that Trust Council wants to advance the draft of the new Policy Statement for public and agency comment, and further First Nations engagement,” said Peter Luckham, Chair, Islands Trust Council. “This is typically the stage where people get more deeply interested and comment on specific proposed policies. We invite everyone to read the document cover to cover to get a complete understanding about what is being proposed, the rationale, and the commitment to reconciliation. There will be at least three months available to provide feedback by email or letter, and there will also be a survey open for several weeks. Information about the draft bylaw will be provided on the Islands Trust website and at online open houses. All feedback will be considered as we work towards a revised version for second reading.”

Following first reading, while public engagement is going on, over 100 provincial and federal agencies, organizations, First Nations, and other governments will be invited to review and provide feedback on the proposed new Policy Statement bylaw.

Keep up-to-date with the Islands 2050 engagement process about the Policy Statement Amendment Project, by registering online to receive updates at: islandstrust.bc.ca/subscribe/. You can also view the Islands Trust website for more information islandstrust.bc.ca/programs/islands-2050/

Featured Sessions

Town Hall - Wednesday, July 7, 7:00 – 9:00 p.m.

Members of the public are invited to speak at the Town Hall portion of the meeting on matters impacting the Trust Area. Speakers have two minutes to speak; however, time allotments are subject to change.

Get meeting details and information on how to listen, watch or attend at:

<https://islandstrust.bc.ca/event/trust-council-special-meeting-1/>

Trust Council Special Meeting - Thursday, July 8 – 9:00 a.m. to 2:00 p.m.

Get meeting details and learn how to listen or watch at:

<https://islandstrust.bc.ca/event/trust-council-special-meeting-2/>

Until further notice, to protect the health and safety of trustees, Islands Trust employees, and the public during the COVID-19 pandemic, Trust Council meetings will be held electronically and broadcast using Zoom. The Islands Trust appreciates the public's understanding and assistance during this time.

- 30 -

The Islands Trust is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust area and another 10,000 non-resident property owners. The Islands Trust area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Contact: Peter Luckham, Chair, Islands Trust Council 250-210-2553
Russ Hotsenpiller, Chief Administrative Officer, via
Clare Frater, Director of Trust Area Services 250-405-5192