



Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: March 20, 2020
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

- | | | |
|--|----------------------------|---------|
| 1. CALL TO ORDER | 11:30 AM - 11:30 AM | |
| <p>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</p> | | |
| 2. APPROVAL OF AGENDA | | |
| 3. REPORTS | 11:30 AM - 11:40 AM | |
| 3.1 Trustee Reports | | |
| 3.2 Chair's Report | | |
| 3.3 Electoral Area Director's Report | | |
| 4. TOWN HALL | 11:40 AM - 11:50 AM | |
| 5. DELEGATIONS | 11:50 AM - 11:55 AM | |
| 5.1 JoAnn Harrison for Hornby Island Housing Society | | |
| 5.2 Alexandra Lamont for Hornby Island Parent Advisory Committee (PAC) | | |
| 6. MINUTES | 11:55 AM - 12:00 PM | |
| 6.1 Local Trust Committee Minutes dated January 24, 2020 - for adoption | | 4 - 13 |
| 6.2 Section 26 Resolutions-without-meeting Report dated March 12, 2020 | | 14 - 14 |
| 6.3 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 12:00 PM - 12:30 PM | |
| 7.1 Follow-up Action List Report dated March 12, 2020 | | 15 - 17 |
| 7.2 Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report - for decision | | 18 - 23 |

7.3 Official Community Plan and Land Use Bylaw Amendments Project - verbal report

7.4 R3A Zoning - verbal update

8. LOCAL TRUST COMMITTEE PROJECTS - none

9. COMMUNITY INFORMATION MEETING

1:15 PM - 1:30 PM

Official Community Plan (OCP) and Land Use Bylaw (LUB) Technical Amendments - Bylaw Nos. 161 and 162

[\(Link to Bylaw Nos. 161 and 162\)](#)

10. PUBLIC HEARING

10.1 Recess for Public Hearing

10.2 Recall to Order

----- BREAK - 30 MINUTES -----

11. APPLICATIONS, REFERRALS AND BYLAWS

11.1 Proposed (OCP) Bylaw No. 161 - for decision

for consideration of second and third readings, forwarding to the Executive Committee for Approval and forwarding to the Minister of Municipal Affairs and Housing for Approval.

11.2 Proposed (LUB) Bylaw No. 162 - for decision

for consideration of second and third readings and forwarding to the Executive Committee for Approval.

11.3 HO-TUP-2020.1 (Geselbracht & Walker - Laskin) - Staff Report - for decision

24 - 54

11.4 HO-RZ-2018.1 (Wiseman) - Staff Report

55 - 110

11.5 Meeting Procedure Bylaw No. 160 - for consideration of adoption

111 - 116

That Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedures Bylaw No. 160, 2020", be adopted.

12. CORRESPONDENCE

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

12.1 Petition regarding Model Strategy for Antenna Systems

117 - 127

13.	NEW BUSINESS	
13.1	K'omoks First Nation	
13.1.1	<u>Information Session held January 29, 2020 on Local Government Authorities in the Estuary - verbal update</u>	
13.1.2	<u>Upcoming Annual Meeting with Hornby and Denman Island Local Trust Committees - verbal update</u>	
14.	REPORTS	
14.1	Trust Conservancy Report dated February, 2020	128 - 129
14.2	Applications Report dated March 12, 2020	130 - 136
14.3	Trustee and Local Expense Report dated January, 2020	137 - 137
14.4	Adopted Policies and Standing Resolutions	138 - 141
14.5	Local Trust Committee Webpage	
15.	WORK PROGRAM	
15.1	Top Priorities Report dated March 12, 2020	142 - 142
15.2	Projects List Report dated March 12, 2020	143 - 144
16.	CLOSED MEETING - none	
17.	UPCOMING MEETINGS	
17.1	Next Regular Meeting Scheduled for Friday, May 1, 2020 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC	
18.	INFORMATION ITEMS	
18.1	Email dated January 29, 2020 to Islands Trust regarding Department of Fisheries and Oceans Canada (DFO) Pacific Herring Integrated Fisheries Management Plan <u>2019-2020 DFO Pacific Herring Integrated Fisheries Management Plan</u>	145 - 145
18.2	Response Letter dated January 28, 2020 from Minister of Fisheries, Oceans and the Canadian Coast Guard regarding Shellfish Aquaculture in Baynes Sound	146 - 147
19.	ADJOURNMENT	



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: January 24, 2020
Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner (via telephone)
 Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 11:30 am. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the K'ómoks and Qualicum First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- He attended Trust Council in December where highlights included work on the Strategic Plan and a meeting he had with Cortez Island's Area Director Anderson.

Trustee Scott reported on the following:

- At Trust Council he and the Director of Trust Area Services discussed the need for more understanding on Hornby Island of how the Islands Trust functions, with a community presentation being considered to provide this information. Other discussions included concern regarding Agricultural Land Commission (ALC) restrictions on small islands.
- Senior Intergovernmental Policy Advisor Wilcox is organizing an event on Hornby Island with K'ómoks First Nation to advance relationship building;

- Trustees have asked staff for options to enable regular Planner Hours on Hornby Island and will be discussing possibilities later in today's agenda.

3.2 Chair's Report

Chair Fast reported on the following:

- Attendance at Executive Committee meetings;
- At Trust Council the 2020/2021 draft budget was completed and will be available for public consultation; Senior Intergovernmental Policy Advisor Wilcox presented an informative session on residential schools; and the Strategic Plan was adopted.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- There are now over 150 Vacation Home Rentals on Hornby Island and their lack of compliance to the bylaws is a concern; Trustees were urged to enforce the Vacation Home Rental regulations;
- A community member is requesting Local Trust Committee (LTC) support for a proposed reconsideration of a subdivision application to the ALC; this business will be considered later in today's agenda;
- A method of resolving conflict involving bylaws is lacking and support was expressed for a bylaw enforcement policy.

5. DELEGATIONS

5.1 JoAnn Harrison for Hornby Island Housing Society

Michael McNamara spoke for the Hornby Island Housing Society (HIHS) in JoAnn Harrison's absence. He provided background and explained that it is HIHS' understanding that the (R3A) zone (ISLA) had been approved, however they have learned that this zone is not included in Schedule B. He submitted supporting documentation and requested that the LTC assist in expediting resolution of the question of their current zoning to allow them to move forward as a delay will jeopardize funding of this housing project.

5.2 Alan Fletcher - Agricultural Land Issues and Concerns

Alan Fletcher summarized the challenges that farmers are facing from outside governing forces. He urged the Islands Trust, Trustees, and staff to show support for activities that sustain Hornby Island, such as farming, by engaging with the Agricultural Land Commission (ALC) on their behalf.

6. MINUTES

6.1 Local Trust Committee Minutes dated November 8, 2019 - for adoption

HO-2020-001

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the Local Trust Committee minutes dated November 8, 2019.

CARRIED

6.2 Section 26 Resolutions-without-meeting Report dated January 9, 2020

Received.

6.3 Advisory Planning Commission Minutes - for receipt

6.3.1 Adopted Minutes dated November 22, 2019

Received.

6.3.2 Adopted Minutes dated December 6, 2019

Received.

6.3.3 Draft Minutes dated December 13, 2019

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated January 17, 2020

Received.

7.2 2020 Meeting Schedule Update - Memorandum for decision

HO-2020-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule a regular business meeting on September 11, 2020.

CARRIED

7.3 On Island Trustee and Planner Office Hours - Staff Report for decision

Regional Planning Manager Kauer presented the Staff Report that provides an analysis of issues and options available for holding on-island Office Hours.

HO-2020-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule and advertise Planner Office Hour availability prior to scheduled Local Trust Committee meetings on Hornby Island.

CARRIED

Trustee Allen offered to work with staff to draft wording to publicize the opportunity for community members to schedule Planner Office Hour meetings, to be published in the local paper prior to the next LTC meeting.

7.4 Comox Valley Regional District (CVRD) Housing Service Feasibility Study – Memorandum

Trustees received the Memorandum for information. They indicated that the services funded by property owners for homelessness in the Hornby Island area can be explored in the future if there is interest.

7.5 Meeting Procedure Bylaw No. 160 - Staff Report

HO-2020-004

It was MOVED and SECONDED,

that the typographical error in Meeting Procedure Bylaw No. 160 Public Participation item number 33 be corrected to read: “A public participation period, limited to ten (10) minutes in duration...” to match guidelines.

CARRIED

HO-2020-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a first time.

CARRIED

HO-2020-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a second time.

CARRIED

HO-2020-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a third time.

CARRIED

HO-2020-008

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

7.6 Bylaw Enforcement Notification (BEN) Bylaw No. 159 - consideration of adoption

HO-2020-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 159, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019” be adopted.

In discussing the motion, Trustees indicated that a future project might be considered to update outdated regulations impacting the contraventions and penalties. They noted the importance of advancing the BEN Bylaw at this time and proposed that a review of the fine structure in Schedule A might be conducted to ensure that penalties are appropriate.

CARRIED

By general consent the meeting was recessed at 1:03 pm and reconvened at 1:24 pm.

8. APPLICATIONS AND REFERRALS

8.1 HO-DP-2019.4 (Tuele) - Staff Report for decision

HO-2020-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.4 (Tuele); and

that the Hornby Island Local Trust Committee waive the requirement for a plan signed by a B.C. Land Surveyor as required by section 2.7 *Siting Compliance* of the Hornby Island Land Use Bylaw No. 150, 2014 for application HO-DP-2019.4.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan and Land Use Bylaw Technical Amendments Project Update - Staff Report for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider advancing proposed Bylaw Nos. 161 and 162 to a Community Information Meeting and Public Hearing.

Trustees identified two issues that might be included in the Official Community Plan/Land Use Bylaw Technical Amendments project and were advised to forward that information to Planner Zupanec for review.

HO-2020-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing during the next regularly scheduled Local Trust Committee meeting for proposed Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", and proposed Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019".

CARRIED

9.2 Vacation Home Rental Review Project - for discussion

Trustees considered APC referral recommendations and confirmed that the APC's Standing Resolution recommendation had been reviewed by Bylaw Enforcement staff.

HO-2020-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee rescind Standing Resolution HO-2019-044:

HO-2019-044

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following standing resolution:

that the Hornby Island Local Trust Committee authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rental.

CARRIED

HO-2020-013

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.
- 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.

CARRIED

Trustees thanked the APC members for their work on this referral.

10. CORRESPONDENCE

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

10.1 Submission dated November 20, 2019 from Tony Law regarding Vacation Home Rentals on Hornby Island

Received.

11. NEW BUSINESS

11.1 Letter of Support for Pat (Gemma) Colin regarding Subdivision Application within the Agricultural Land Reserve (ALR) - for discussion and decision

Pat Colin requested LTC support for an appeal to the ALC for reconsideration of a subdivision application. Trustees discussed procedure and suggested that an early indication of the LTC's support for this application would be helpful.

HO-2020-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee supports Pat Colin's request for reconsideration by the Agricultural Land Commission regarding her subdivision application no. 54391 within the Agricultural Land Reserve as it maintains a viable farm unit on Hornby Island.

CARRIED

Trustee Scott offered to draft a letter with this support for Chair Fast's signature.

11.2 National Marine Conservation Area Reserve - for discussion

Trustee Grant commented that at the recent Trust Council meeting a National Marine Conservation Area Reserve was proposed for the southern Gulf Islands. Trustees discussed their support for requesting that Hornby Island be included in this initiative.

HO-2020-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that Trust Council write a letter to James Gordon, Project Manager of the proposed National Marine Conservation Area Reserve, encouraging the inclusion of Hornby Island and the other Northern Gulf Islands in the marine conservation planning process.

CARRIED

12. REPORTS

12.1 Trust Conservancy Reports for October and December, 2019

Chair Fast presented highlights from the reports for information.

12.2 Applications Report dated January 17, 2020

Discussion of the Applications Report included the following Trustee comments:

- Status information has not been provided in the report for the applications from Hornby Island Resort; comments and questions regarding these applications may be directed to the assigned planner;

- Status information has not been provided in the report for file number HO-TUP-2020.1; timeliness of Planner review to confirm compliance with bylaws was considered important given the seasonal nature of the enterprise.

12.3 Trustee and Local Expense Report dated November, 2019

Received.

12.4 Adopted Policies and Standing Resolutions

The LTC adopted changes to Standing Resolutions in agenda item 9.2.

12.5 Local Trust Committee Webpage

The following additions to the Webpage were requested:

- Add the Islands Trust Conservancy Conservation Plan Updates to the Hornby Island Local Trust Area Resource webpage;
- Add information regarding Planner Hours and the opportunity for community members to schedule on-island meetings with Planners.

13. WORK PROGRAM

13.1 Top Priorities Report dated January 17, 2020

Trustee discussion included the following comments:

- The creation of a separate project to address the inconsistencies in the Riparian Regulations Regulation mapping might be considered;
- Top Priority No. 1 Project Charter Phase 2 might be reviewed at the next LTC meeting to inform discussion of the scope of the project;
- A referral might be made to the APC to consider outdated regulations impacting BEN Bylaw contraventions and fine structure;
- Chair Fast questioned the process of amending the BEN bylaw directly after adoption; and noted that the Schedule A contraventions are based specifically on the LUB and that a review of out-of-date LUB regulations would be a large project.

HO-2020-016

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request the Advisory Planning Commission to review Schedule A of Bylaw No. 150.

CARRIED

Chair Fast Opposed

HO-2020-017

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to bring back a review of Top Priority No. 1 with recommendations for a revised Project Charter.

CARRIED

13.2 Projects List Report dated January 17, 2020

Received.

14. CLOSED MEETING

14.1 Motion to Close the Meeting**HO-2020-018**

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of *In-Camera* Meeting Minutes dated November 8, 2019 and that the recorder and staff attend the meeting.

CARRIED

Chair Fast closed the meeting to the public at 3:23 pm.

14.2 Recall to Order

By general consent the LTC reconvened in open meeting at 3:29 pm to rise and report.

14.3 Rise and Report

Chair Fast reported that in the Closed Meeting, the LTC adopted minutes of the *In-Camera* meeting of November 8, 2019, and resolved to offer the six current members of the APC reappointments for the upcoming term and to advertise for further expressions of interest.

15. INFORMATION ITEMS**15.1 Letter dated November 21, 2019 from Sheila Malcolmson, MLA regarding Marine Debris**

Received.

15.2 Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project

Received.

15.3 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations

Received.

15.4 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences

Received.

16. UPCOMING MEETINGS**16.1 Next Regular Meeting Scheduled for Friday, March 20, 2020 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC**

Trustees confirmed that the next regular LTC meeting is scheduled for March 20, 2020 at 11:30 AM at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:34 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2020-001	In Favour	18-Feb-2020
"Request staff to seek legal advice on the issue of whether the text of the R3A zone in the Hornby Island Land Use Bylaw No. 149 is sufficient in allocating the zone to the Islanders Secure Land Association (ISLA) now Hornby Island Housing Society (HIHS) subject property for the purposes of development in compliance with the zone, or if a Schedule B Land Use Bylaw (LUB) map amendment is required for the zoning regulations to be legally applied to the subject property."		

Follow Up Action Report

Hornby Island

05-Apr-2019

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

24-May-2019

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



Follow Up Action Report

Hornby Island

13-Sep-2019

Activity	Responsibility	Dates	Status
1 LTC request staff proceed with processing application HO-RZ-2018.1.	Bronwyn Sawyer		In Progress

08-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff add a review of DPA 6 - RAR to the OCP/LUB Amendment project and amend the project charter for review at the next LTC meeting.	Sonja Zupanec	Target: 24-Jan-2020	In Progress

24-Jan-2020

Activity	Responsibility	Dates	Status
1 LTC schedule a regular business meeting on September 11, 2020.	Wil Cottingham		Completed
2 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island.	Wil Cottingham		In Progress
3 Bylaw 160 (Meeting Procedures) amended (typo); given first, second, third readings and forward to Executive Committee for approval.	Becky McErlean Heather Kauer		Completed
4 BEN Bylaw No. 159 cited as "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 159, 2019" be adopted.	Becky McErlean Robert Barlow Warren Dingman		Completed

Follow Up Action Report

Hornby Island

24-Jan-2020

Activity	Responsibility	Dates	Status
5 HO-DP-2019.4 (TUELE) issue Development Permit and waive requirement for BCLS signed survey.	Becky McErlean Bronwyn Sawyer		Completed
6 staff to schedule a Community Information Meeting and Public Hearing during the next regularly scheduled Local Trust Committee Meeting for Proposed Bylaw No. 161, and Proposed Bylaw No. 162	Becky McErlean Sonja Zupanec		Completed
7 Add to the Hornby webpage under "Resources" - Planner hours, Conservancy Profile, APC Resolution.	Sonja Zupanec		In Progress
8 Staff to bring forward the project charter for the OCP/LUB (Top Priority #1) amendment project for LTC review and discussion of recommendations for a revised project charter.	Heather Kauer		In Progress
9 Staff to forward a referral to the Hornby APC requesting a review of the Schedule A Bylaw 150 (BEN Bylaw) and the fee structure.	Becky McErlean Penny Hawley Sonja Zupanec		In Progress
10 LTC adopted the APC's recommended enforcement policy changes for short term vacation rentals as an LTC standing resolution.	Becky McErlean Penny Hawley		Completed

DATE OF MEETING: March 20, 2020
TO: Hornby Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance and Enforcement Manager,
Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw Administrative Procedures

RECOMMENDATIONS

1. That Hornby Island Local Trust Committee appoint the Bylaw Compliance & Enforcement Assistant, the Bylaw Compliance and Enforcement Manager and the Regional Planning Manager as Screening Officers pursuant to Hornby Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 159, 2019.
2. That Hornby Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw No. 159 Screening Officers' Powers and Duties Policy attached to the staff report dated March 20, 2020.
3. That Hornby Island Local Trust Committee stipulate that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 159, 2019.

REPORT SUMMARY

This report will explain the requirements for the following:

1. Appointment of screening officers;
2. Designation of the powers and duties of specific screening officers;
3. Authorizing the reasons for cancellation of a bylaw violation notice; and
4. Approval of the form of violation notice to be used.

BACKGROUND

Section 7 of the Bylaw Enforcement Notification Bylaw (the Bylaw) requires that the LTC appoint screening officers. These powers and duties of the screening officer include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw compliance and enforcement manager and regional planning managers to be appointed as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw enforcement assistant to relay information about BVNs and the process will ensure that the public has immediate access to information. The bylaw compliance and enforcement manager is designated as a screening officer with full powers and duties. To avoid any perceived

conflict of interest when BVNs are issued by the bylaw compliance and enforcement manager, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to managers to ensure that whatever agreement is made fully complies with the requirements of bylaws.

Section 9 of the Bylaw requires that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that staff recommends be used. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

Rationale for Recommendation

The recommendations are consistent with the requirements of the *Local Government Bylaw Notice Enforcement Act* and the intent of the adoption of the Bylaw which is to promote compliance and reduce the cost for enforcement.

ALTERNATIVES

1. Request further information

That the Hornby Island Local Trust Committee request that Staff provide further information about the screening officer policy.

ATTACHMENTS

1. Screening Officer Policy
2. Bylaw Violation Notice



Hornby Island Local Trust Committee

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy January 24, 2020

Appointment of Screening Officers

Pursuant to section 7.2 of the Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 159, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Compliance and Enforcement Manager; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Hornby Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) **Bylaw Compliance and Enforcement Manager.** In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) **Bylaw Compliance and Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;

- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly.
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b) The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
- 6) the disputant intends to challenge the bylaw or the intended defence is ill suited to the adjudication process.



BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____
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*See reverse for additional information on late payments.

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☐	By Mail



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To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

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.

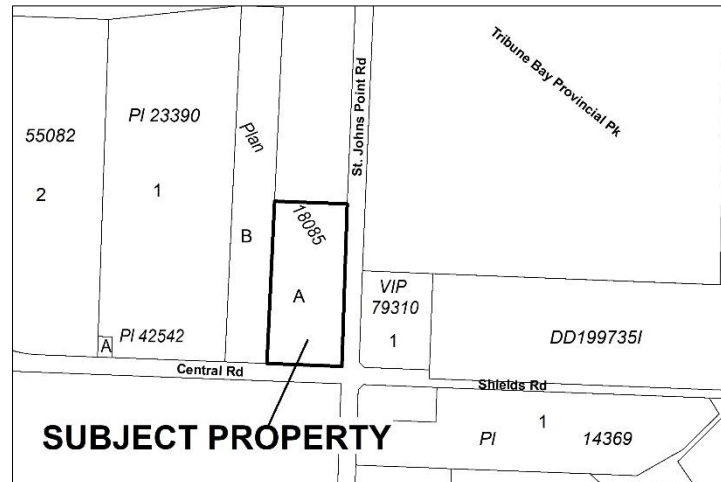


Figure 1. Subject property map.

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
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	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) <i>temporary use;</i> b) <i>a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;</i> c) <i>uses for a period of time to enable impacts to be assessed before any further permitting of the use; or</i> d) <i>seasonal activities.</i> 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.  Figure 2. DPA 6 on subject property (shown in blue). Approx. proposed location of food truck shown.
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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>
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	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.			

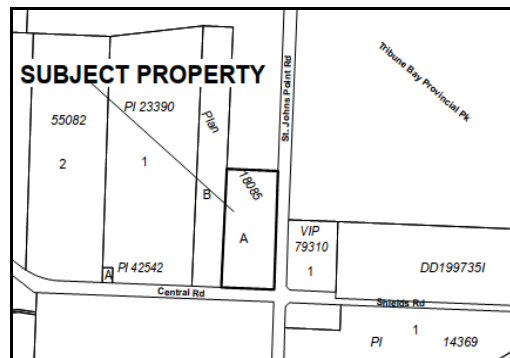


NOTICE
HORNBY ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
HO-TUP-2020.1
(Geselbracht and Walker (Laskin))

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
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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.

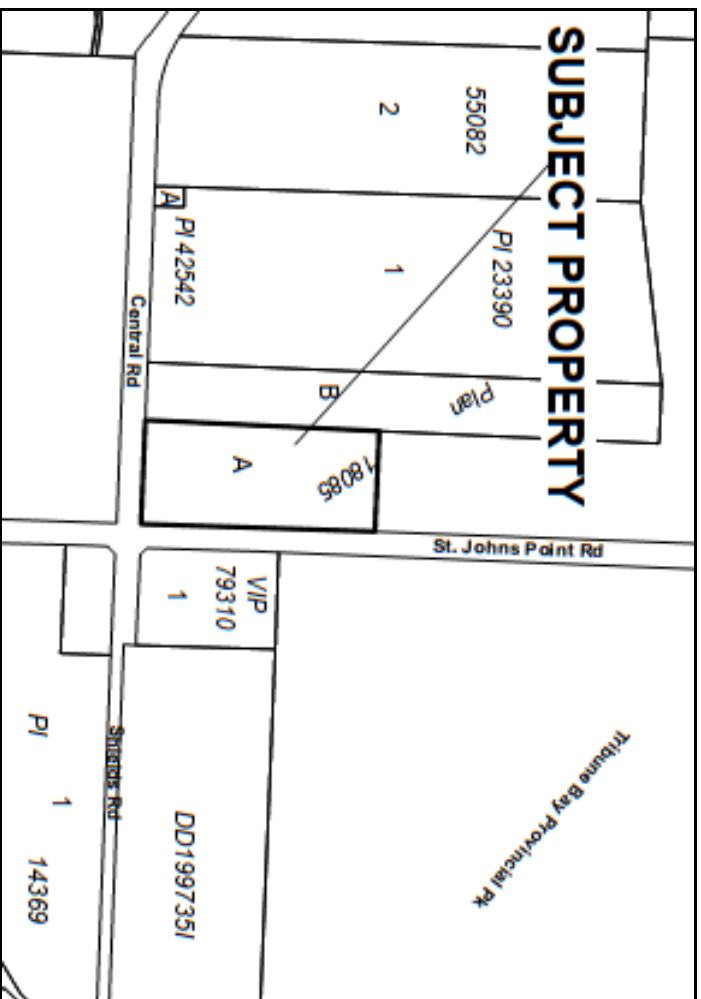
**AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS _____TH
DAY OF _____, 2020.**

Deputy Secretary, Islands Trust

Date Issued

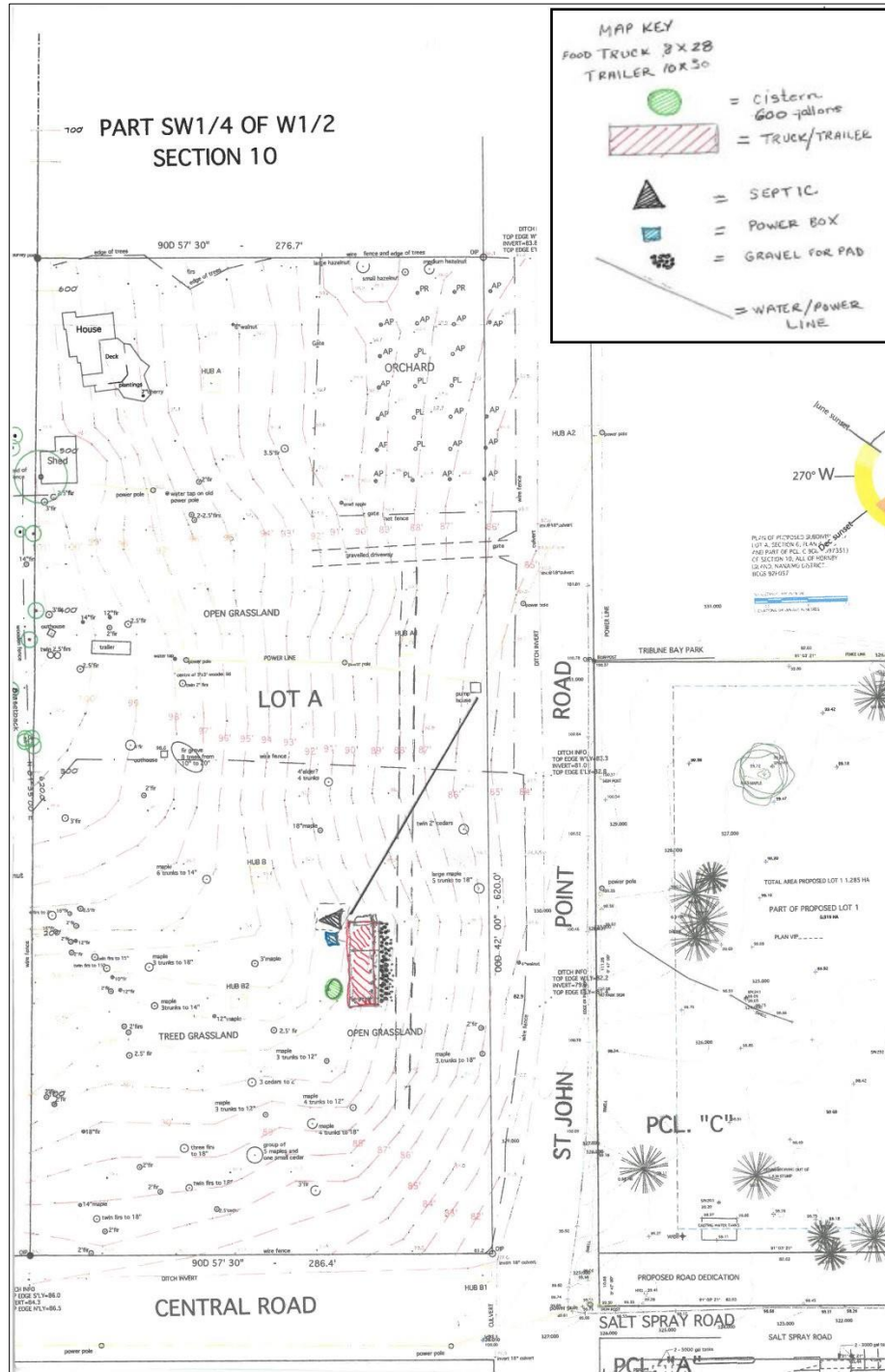
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2020.1 (Laskin)

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.

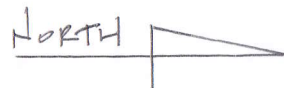
I trust the foregoing meets your needs regarding septic system approval for the Temporary Use Permit application.

Yours truly,


Ron McMurtrie, P.Eng.

16/12/2019

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



PRELIMINARY SITE PLAN
PROPOSED SEPTIC SYSTEM

3005 ST. JOHNS POINT ROAD,
HORNBY ISLAND, BC

1:500 SCALE

16/12/2019

RM.

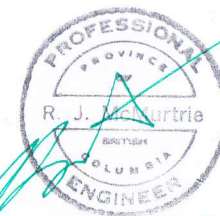
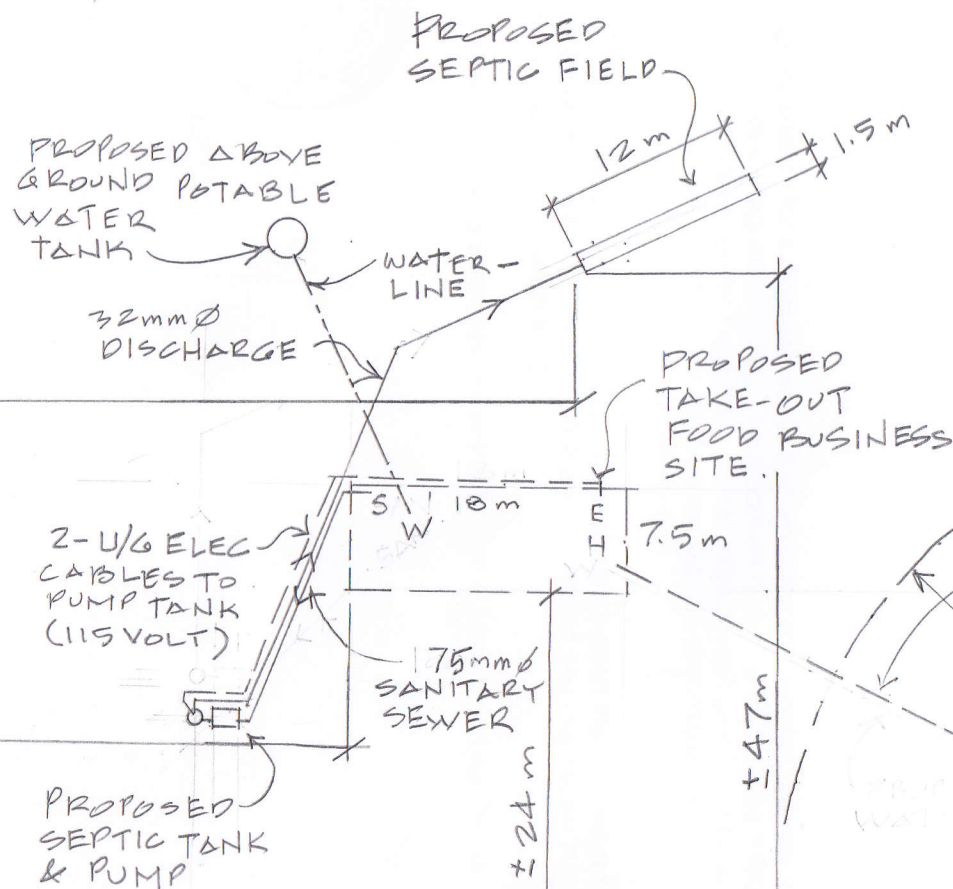
REVISION 1
09/03/2020

CENTRAL ROAD

90m ±

65m ±

50m ±



05/03/2020

PROPOSED POWER LINE

EXIST. WELL & POWER SHED.

ST. JOHNS POINT ROAD

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.

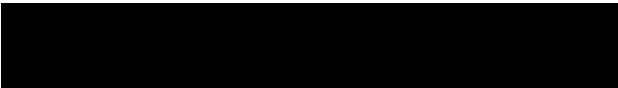
I've reviewed the Laskin's application in detail and feel that the addition of this service would be beneficial to the Hornby community. Currently we have limited options of prepared food in the winter season, and during the summer season the existing options are very busy. The added service would allow 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

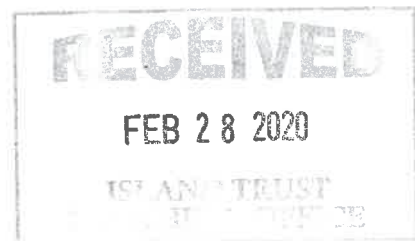
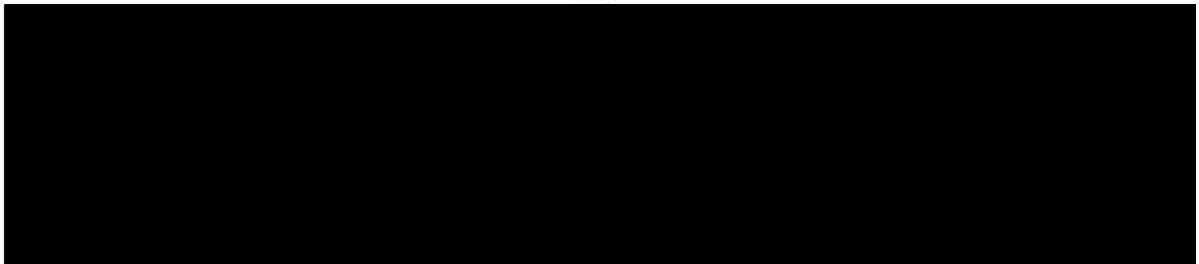
Dear: Islands Trust

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.

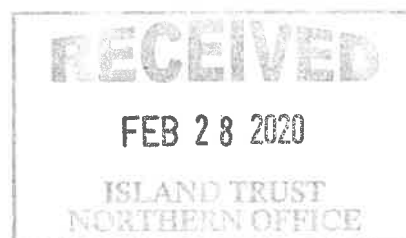
Please say YES to a very positive addition to our Island.

Best Regards,

Betty Kennedy

[REDACTED] Hornby Island BC

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.

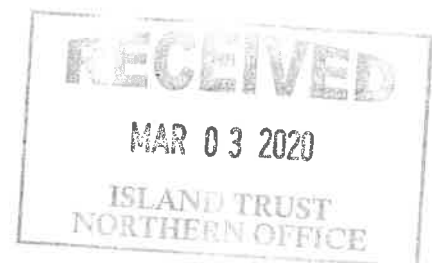
A TUP for a food truck and portable prep trailer, with approved septic, potable water and hydro providing take out food to residents and visitors on Hornby Island would be a welcome service. That location, in the commercial area of the Co-op store and gas station is suited for this use. Proper parking 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]



File No.: HO-RZ-2018.1
(Wiseman)

DATE OF MEETING: March 20, 2020
TO: Hornby Island Local Trust Committee
FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Zoning amendment and OCP amendment to allow for a two-lot subdivision
Applicant: David Wiseman
Location: 5020 Fowler Road (PID 028-737-245)

RECOMMENDATION

1. That the Hornby Island Trust Committee request that the applicant submit a biological inventory assessment report of Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098, completed by a Registered Professional Biologist, and to include: an inventory and classification of wildlife habitats, significant features and plant communities on the properties; a study area map detailing the results of the study and recommendations for the retention, mitigation and compensation of significant features; and
2. That the Hornby Island Trust Committee request that the applicant submit a hydrogeological assessment, completed by a Professional Engineer or Professional Geoscientist, which identifies impacts to the quantity and quality of groundwater of the proposed development on Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098.

REPORT SUMMARY

The purpose of this report is to provide an overview of a zoning bylaw and official community plan amendment application of a 3.98 ha property from Residential 2 – Large Lot (R2) Zone to a zone that will allow an application to be made to the Ministry of Transportation and Infrastructure (MOTI) for a two lot subdivision of 5020 Fowler Road.

BACKGROUND

Previous file-related LTC resolutions include the following:

HO-2018-018

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer consideration of rezoning application HO-RZ-2018.1 until issues regarding the Official Community Plan and Land Use Bylaw Minimum Average Lot Area inconsistencies are resolved.

CARRIED

HO-2019-074

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff proceed with processing application HO-RZ-2018.1.

CARRIED

Two previous staff reports have been prepared relating to this application. The staff reports prepared for the April 27, 2018 and September 13, 2019 LTC meetings are attached (Attachments 1).

The original property was created through a boundary adjustment application made in 2011. At that point, a reconfiguration of three lots was undertaken, which resulted in the following lot sizes: 2.01 ha, 2.02 ha, and 3.98 ha. The 2.01 ha and 2.02 ha lots were sold and the applicant currently lives on the 3.98 ha property. In 2016, the applicant made a subdivision application to subdivide the 3.98 ha property. Islands Trust responded to the MOTI referral stating that the minimum lot size of 2.0 ha could not be met and stated in the referral response to MOTI (dated May 31, 2016) the following: "The proposed subdivision does not comply with the minimum average lot size as per the Hornby Island Land Use Bylaw No. 150. Planning staff are unable to recommend approval of the subdivision as proposed for this reason". The two lots that were proposed as part of the 2016 subdivision application were 2.02 ha and 1.96 ha in size.

The original zoning amendment application was made in 2018 to rezone the property and the Hornby Island Local Trust Committee (LTC) deferred consideration of this application until issues regarding the Hornby Island Official Community Plan Bylaw No. 149 (OCP) and Hornby Island LUB minimum average lot area inconsistencies were resolved (April 27, 2018). It was the direction of the LTC at the September 13, 2019 meeting that staff were to proceed with processing application HO-RZ-2018.1.

Changes to the OCP and LUB anticipated by staff to accommodate the request accompanying this application include:

Official Community Plan

- Re-designate the subject lot from "Rural Residential" to "Small Lot Residential".

Land Use Bylaw

- Text and map bylaw amendment for the subject lot from Residential 2 (Large Lot Zone) to Residential 1 (Small Lot Zone).
- Increase the **Subdivision Lot Area Requirements** of the subject lot from 1.0 hectare to 1.9 hectare with a site specific regulation text amendment.
- Update the Residential 1 zone description of "Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot" to include the location of the subject lot.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff will undertake an assessment of the proposed uses relative to the Islands Trust Policy Statement (ITPS) prior to first reading of any bylaw amendments. cursory review of the policy statement directives only checklist suggests possible conflicts and further information will be necessary (Attachment 2). The staff recommendation communicated at the beginning of this report has been drafted to ensure that the ITPS has been adequately

addressed. Confirmation that various policies related to the protection of environmentally sensitive areas and impact on freshwater resources have been met is pending.

Official Community Plan:

The subject property is designated Rural Residential in the OCP. The OCP includes several applicable objectives and policies, which are identified in the OCP Policy Checklist (Attachment 3).

OCP Land Use Designations

In the *Residential* section of the Hornby Island OCP (Section 6.3), there are five residential land use designations: Small Lot Residential, Rural Residential, Forest, Community Housing and Land Cooperatives. The subject lot is designated “Rural Residential” and objectives of the “Rural Residential” (6.3.3) designation include the following:

to promote retention of large parcels of land and existing densities; to provide some limited opportunity for land sharing without encouraging subdivision; and to enable some residents to resolve existing land sharing challenges.

There is no clear policy stating the minimum parcel size in this land use designation, nor is there a definition of “large” parcels. In comparison, there is a minimum parcel size of 1 ha in the small lot residential designation. With this in mind, planning staff have determined an OCP amendment is necessary. The OCP residential designation that would meet the proposed development of lots under 2 ha is the Small Lot Residential.

The OCP has language encouraging environmental and groundwater protection and that protective measures should be undertaken at the time of re-zoning applications. It is these policies that have prompted staff’s recommendation that biological and hydrogeological studies be requested of the applicant. See Attachment 3 for a complete OCP policy review and “Issues and Opportunities” section below for discussion of relevant policies in the context of specific issues.

Land Use Bylaw:

The subject property is currently zoned Rural Residential (R2) in the LUB (Figure 1 and Attachment 4). The minimum lot size for this zone is 1.0 ha; however, a proposed subdivision is also required to create lots with an average area of at least 2 ha (Section 8.2(9)). As proposed in the rezoning application, the subdivision of 5020 Fowler Road would create 2 lots of 1.99 ha in size and this would not meet the average area requirement. The applicant has asked the LTC to consider a zoning amendment for this property that allows for the 2 lots to be created.

The proposed Residential One (R1) zone can be found in several neighbourhoods around Hornby Island and lots tend to be small while services such as water and sewage are limited on Hornby Island. Generally, the R1 lots are found in areas identified as Galleon Beach, Shingle Spit, Sandpiper and Whaling Station Bay/Anderson Drive. The subject lot does not appear to be located in these neighbourhoods and is about 1000 metres from the nearest R1 zoned property. As proposed, the lots to be created by subdivision would be about 1.9 ha in size and there are R2 properties of approximately this size in the Ostby Road/Fowler Road area; the four R2 properties across Fowler Road from the subject property range in size from 0.73 ha to 0.98 ha. As was previously mentioned, two properties to the south of the subject lot were created by way of lot line adjustment and are of similar sizes to the proposed lots.

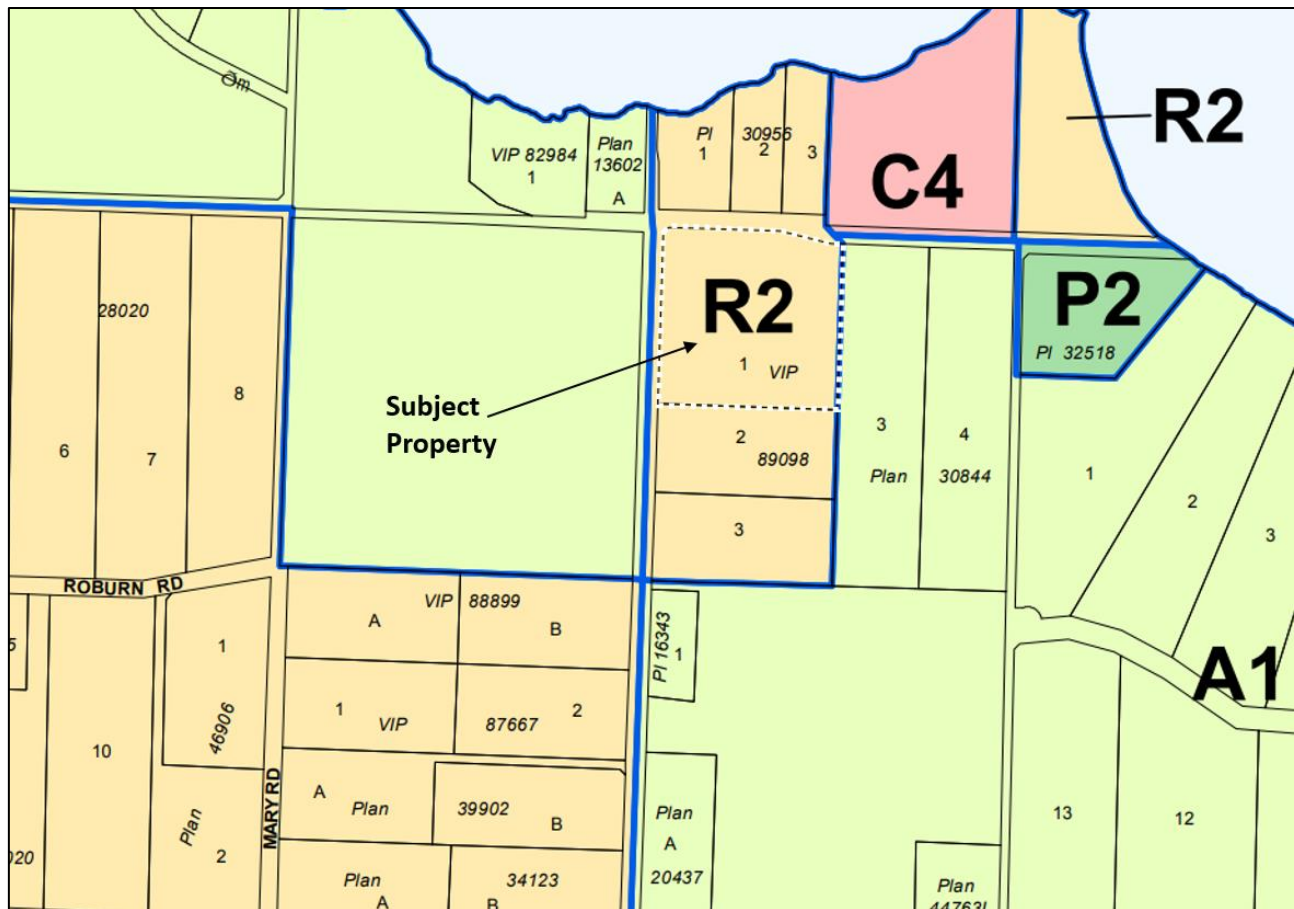


Figure 1: Zoning map for Ostby Road/Fowler Road area

There are properties located in the ALR and Agriculture zone immediately to the east of the subject property and across Ostby Road. The existing home at 5020 Fowler Road is located approximately 38 m from the neighbouring ALR property and this home is expected to remain as part of the subdivision. The subdivision would result in one additional house being permitted. It is unclear if agricultural activities are occurring on the neighbouring properties (Figure 2). In preparing this staff report, the Ministry of Agriculture's *Guide to Edge Planning* "Activities of Urban Edge Development that can affect Compatibility" table was reviewed and the largest residential property size reviewed for compatibility by the Ministry was 0.40 ha; more than 1 ha smaller than the lots being proposed. Given the size of the lots, it is not expected that this increase in residential density of one dwelling and the associated residential uses will result in conflict with Agriculture-zoned properties.

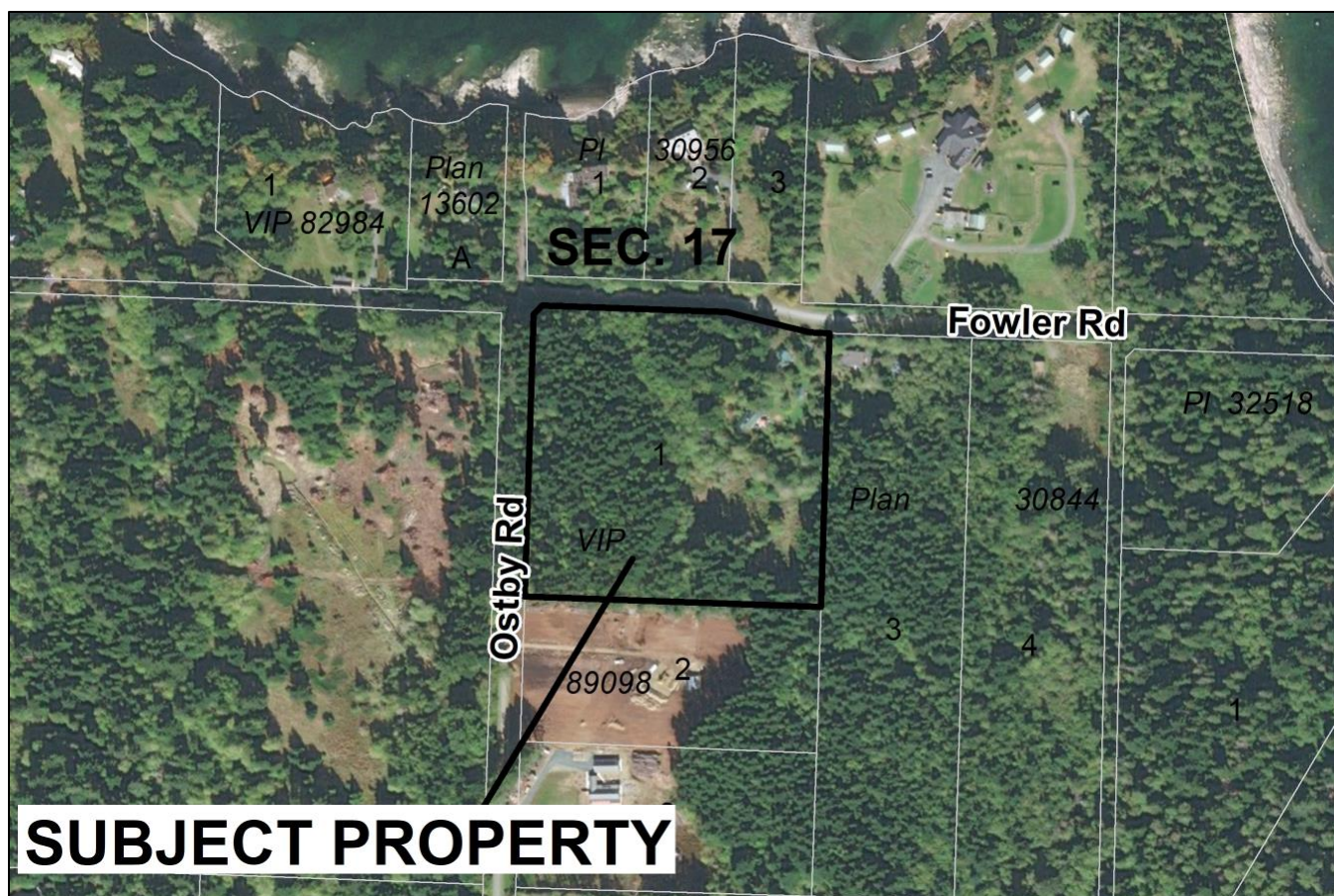


Figure 2: Orthophoto of Subject Property

The table below (Table 1) shows applicable land use regulations under the current Residential 2 zone and the regulations of the Residential 1 zone (Attachment 5). Table 2 shows the different uses permitted in the Residential 1 and Residential 2 zones.

Issues and Opportunities

OCP Amendment

To enable the proposed subdivision application to proceed, it has been determined that the OCP will require an amendment. Given that there are two residential designations in the OCP, Small Lot Residential (SR) and Rural Residential (RR), and two residential zoning districts in the LUB, it appears that the community had intended that the SR policies would align with the small lot residential zone (R1) and the LRR policies would align with the larger lot residential zone (R2). There are objectives and policies to consider and it is important to analyse the SR policy and consider if LUB amendments will meet the new OCP designation as well as considering the numerous objectives and policies in the OCP that look to restrict growth, and protect freshwater and environmentally sensitive ecosystems. Further work is needed to ensure that all policies and objectives that could affect the proposed development are addressed, similar to what was noted in the Islands Trust Policy Statement portion of this report.

Table 1: Residential 1 and Residential 2 Regulations

	Residential 1 (R1) Small Lot Zone	Residential 2 (R2) Large Lot Zone	Staff Recommendation
Lot Coverage	10%	10%	10%
Front Lot Line	8.0 metres	8.0 metres	8.0 metres
Rear Lot Line (> 1ha)	8.0 metres	8.0 metres	8.0 metres
Interior Side Lot Line (>1ha)	6.0 metres	8.0 metres	6.0 metres (R1)
Exterior Side Lot Line (>1ha)	8.0 metres	8.0 metres	8.0 metres (R1)
Floor Area of Residential Dwelling	200 metres ²	300 metres ²	200 metres ² (R1)
Total Combined Floor Area of Accessory	100 metres ²	200 metres ²	100 metres ² (R1)
Subdivision Lot Area Requirements	1.0 hectare	Average area of at least 2.0 hectares	1.9 hectares
Permitted Buildings, Structures and Density	Maximum of one residential dwelling or recreational vehicle	< 4 hectares Maximum of one residential dwelling	Same number of residential dwellings; however, the R1 will allow for a recreational vehicles

Table 2: Uses permitted in the R1 and R2 zones

Residential 1 (R1)	Residential 2 (R2)
(a) residential use of a dwelling; (b) residential use of a recreational vehicle; (c) accessory uses, buildings and structures, including but not limited to home occupations; and (d) vacation home rental use.	(a) residential use of a dwelling; (b) residential use of a recreational vehicle; (c) secondary suite in a dwelling on lots 2.0 hectares or larger*; (d) horticulture accessory to a principal residential use*; (e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger*; (e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger; (f) accessory uses, buildings and structures, including but not limited to home occupations; and (g) vacation home rental use.
* Denotes uses that are permitted in the R2 zone that are not permitted in the R1 zone	

There are several sections of the OCP that reference zoning amendments and policies that are taken into account when a rezoning application is made. Regarding zoning amendments, there are many policies in the OCP that focus on protecting ecosystems and groundwater. The OCP has identified the subject lot as containing a wetland, which is a noted environmentally sensitive area (see Attachments 4 and 6). Staff conducted a site visit on January 30, 2020 with the applicant and photos of the forested area were taken (see Attachment 7). In early discussions with the applicant, there has been support and interest communicated to staff in finding a way to protect the forested areas of the lot while allowing a future subdivision to take place.

LUB Regulations

Subdivision

With the current R2 zoning, the lot cannot be subdivided. Section 8.2(9) of the R2 zone states the following: “despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares” (p. 37). This section of the LUB has been interpreted as no subdivision can occur for lots under 4.0 ha in size and, if a property is greater than 4.0 ha, two dwellings are then permitted resulting in a minimum average lot area of greater than 4.0 ha; in other words, a parent parcel would need to be 8.0 ha for a two lot subdivision to be permitted. The applicant would need 8.0 ha (the subject property is 3.98 ha) to meet the requirement of Section 8.2(9) and more area than the subject property consists of at present.

The R1 zone has similar regulations to the R2 zone and the subdivision lot area requirement (8.1(7)) states that “no lot may be created by subdivision that has a lot area of less than 1.0 hectares”. This regulation would meet the request of the applicant for future draft LUB subdivision lot area regulations that allow a two-lot subdivision of a 3.98 ha lot. One issue that may arise is the more restrictive nature of the R1 zone, as seen in Table 2, and the limitations that will be imposed on the proposed new lots. These differences are related to different regulations around the siting and sizes of buildings; the R1 zone restricts the residential dwelling unit size and total combined floor area of all accessory buildings and the R1 has a smaller interior side lot line (6.0 meters in the R1 zone and 8.0 metres in the R2 zone).

The R1 zone states a 1.0 ha minimum lot area for subdivision, which is less than what is needed for the two lots proposed. With a minimum lot area of 1.0 ha, there is potential to create a 3 lot subdivision from the 3.98 ha; however, this is not what the applicant has requested. The applicant has requested a zoning amendment to allow for only two lots and this could be achieved by a text and map amendment of the subject lot stating that a minimum lot area of 1.9 ha is necessary. Another option is a two-lot subdivision could be ensured through a restrictive covenant and the covenant would become a condition of the zoning amendment application.

Wetland

As has been noted, and is shown on the OCP mapping, the subject lot is partially covered by a wetland. The Sensitive Ecosystem Inventory (SEI) mapping indicates wetland and mature forest ecosystems. The OCP has several policies that state the importance of protecting sensitive ecosystems as a condition of rezoning applications (see Attachment 3 OCP policies and objectives highlighted in green). In order for this application to meet the policies stated in the OCP, further work is necessary to ensure the wetland is not adversely affected by the proposed development. For instance, a Development Permit Area could be established for the subject property to address sensitive ecosystems. A first step in the establishment of a development permit area for this lot would be a biological inventory and guidelines could be crafted based on the results of such a study. If the LTC decided not to establish a DPA, The biological inventory could form the basis of a conservation covenant, which could be required as part of the zoning amendment process.

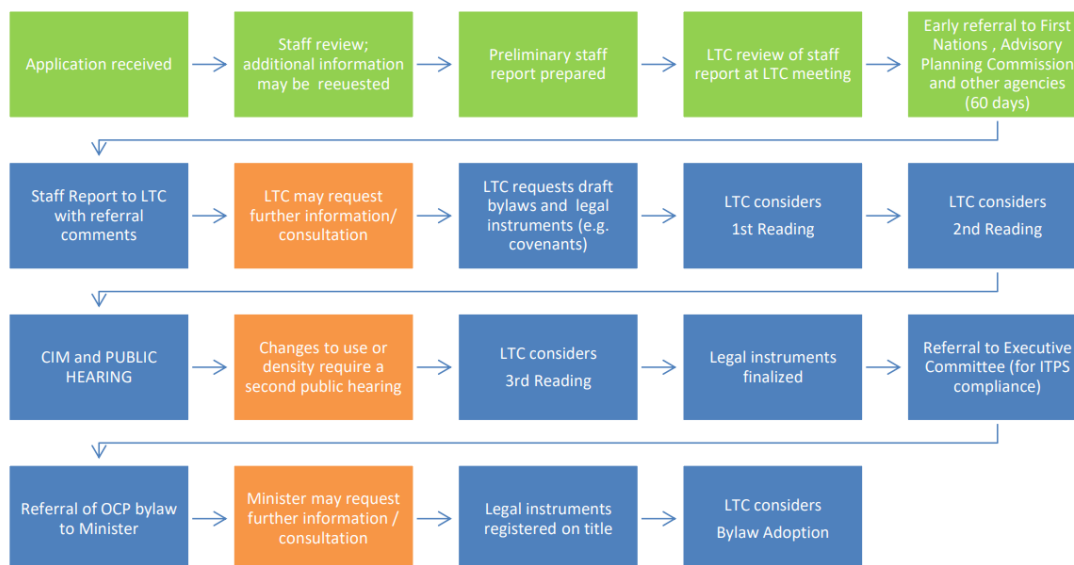
It is worth noting that the lots located immediately to the south on Ostby Road are also shown in the OCP mapping as being partially covered by wetland. After subdivision, the lots were partially logged (see photo 1 in Attachment 7 and Figure 2 above) and the wetland area was potentially impacted; the lots are not in a development permit area and it is believed the ecosystem was not protected by covenant. A zoning amendment application allows for special measures to be taken that will control land clearing and to create guidelines around allowing such activities to take place. As part of this application, future development can be directed to take into consideration any environmentally sensitive areas that exist on the lot. It appears the current landowner is interested in protecting the forested area; however, if further work is not done at this stage, as per the objectives and policies of the OCP, it is unclear how future landowners might develop the lots.

Freshwater

As has been written earlier in this report, the OCP has several policies that state the importance of ground water resources on Hornby Island (see Attachment 4 policies and objectives highlighted in blue). In order for this application to meet the policies stated in the OCP, further work should be undertaken to ensure the proposed development will not adversely affect the groundwater and that there is adequate supply of water to accommodate an increased population density. It unknown if there will be an impact and staff are requesting that the applicant provide more information on the subject of groundwater.

Application Process

As described in the Islands Trust “Rezoning Application Guide & Form”, the typical steps in the application process include the following:



Rationale for Recommendation

The application being considered includes both an amendment to the OCP and amendment to the LUB. Staff is recommending the applicant provide additional information pertaining to potential impacts of the proposed development, consistent with Development Approval Information of Section 8 of the OCP, to support further consideration of the application:

- Environmentally sensitive areas identified by a qualified professional on the subject lot in the form of a biological inventory to inform rezoning process for long term protection of significant features and habitats.
- Hydrogeological assessment to address impacts to ground water resource.

The results of these studies will help staff and the LTC confirm that the objectives and policies outlined in the OCP and the commitments, directive policies and recommendations outlined in the Islands Trust Policy Statement have been met and that increased population densities that could be the result of a zoning amendment could be accommodated.

ALTERNATIVES

1. Direct staff to draft bylaws

The LTC may direct staff to draft bylaws amending the OCP and LUB while waiting for the results of the biological inventory assessment report and hydrogeological assessment. If this alternative is chosen, the recommended motions are as follows:

That the Hornby Island Local Trust Committee direct staff to draft a bylaw amending Schedule B of the Hornby Island Official Community Plan Bylaw No. 149 replacing the “Large Rural Residential” land use designation to “Small Lot Residential” land use designation for Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098; and

That the Hornby Island Local Trust Committee direct staff to draft a bylaw amending Section 8.1 of the Hornby Island Land Use Bylaw No. 150 to allow for a 1.9 ha minimum lot size for subdivision in site specific regulations and amending Schedule B by changing the zoning designation from Residential 2 (R2) to Residential 1 (R1) for Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098; and

That the Hornby Island Local Trust Committee request that the applicant submit a biological inventory assessment report of Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098, completed by a Registered Professional Biologist, including: an inventory and classification of wildlife habitats, significant features and plant communities on the properties; a study area map detailing the results of the study and recommendations for the retention, mitigation and compensation of significant features; and

That the Hornby Island Local Trust Committee request that the applicant submit a hydrogeological assessment, completed by a Professional Engineer or Professional Geoscientist, which identifies impacts to the quantity and quality of groundwater of the proposed development on Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust the following information [insert information].

3. Deny the application

The LTC may deny the application and the file will be closed.

That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1 for the following reasons [insert reasons].

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

That the Hornby Island Local Trust Committee hold application HO-RZ-2018.1 in abeyance for the following reasons [insert reasons].

NEXT STEPS

With direction from the LTC, staff will:

- Request the information as identified in the recommendations and report back at a future LTC meeting.

Submitted By:	Bronwyn Sawyer Planner 2	March 2, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 9, 2020

ATTACHMENTS

1. 2019-09-13 Staff Report
2. ITPS Checklist
3. OCP Checklist
4. Site Context
5. R1 Zone
6. OCP Schedule D1
7. Photos

File No.: HO-RZ-2018.1
(Wiseman)

DATE OF MEETING: September 13, 2019
TO: Hornby Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
RE: Rezoning Application HO-RZ-2018.1
Applicant: David Wiseman
Location: 5020 Fowler Road, Hornby Island

RECOMMENDATION

1. That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1, and that the applicant be advised that pursuant to Section 4 of Hornby Island Trust Committee Development Procedure Bylaw No. 74, 1992, an application or substantially similar application may not be submitted less than one year from the date of this resolution.

REPORT SUMMARY

The applicant for the above noted rezoning application requests that the Hornby Local Trust Committee (LTC) re-consider advancing this application. At their April 27, 2018 LTC meeting, the LTC deferred consideration of this application until such time that the minimum average lot area provision in the Hornby Island Land Use Bylaw No. 150 (LUB) is considered and addressed in the current LTC project- Hornby Island Official Community Plan (OCP) and LUB Review Project. Recent changes to the Project Charter for this project do not anticipate consideration of this issue until spring 2020 (see Project Charter in Staff Report for the Hornby OCP and LUB Review Project in September 13, 2019 agenda package). The applicant requests that their application not be delayed until then.

No new information has been received from the applicant since deferral of the application. Staff recommends that the application be denied based on the reasons outlined in the original staff report (Attachment 1) received by the LTC at their April 27, 2018 LTC meeting.

BACKGROUND

At the April 27, 2018 LTC meeting, the Hornby LTC passed the following resolution regarding this rezoning application:

HO-2018-08

It was Moved and Seconded,

That the Hornby Island Local Trust Committee defer consideration of rezoning application HO-RZ-2018.1 until issues regarding the Official Community Plan and Land Use Bylaw Minimum Average Lot Area inconsistencies are resolved.

CARRIED

ANALYSIS

Issues and Opportunities

Since the April 27, 2018 LTC meeting, the Hornby LTC endorsed a revised Project Charter v 2.1 for the Hornby OCP and LUB Review Project at their July 5, 2019 LTC meeting. The revisions included changes to the milestones of the project and identified that the topic of minimum average lot area for R2 zoning be addressed during Phase 2 of the project, scheduled to commence in the spring of 2020.

As a result of the revised Project Charter and the change to the anticipated timeline to address this issue, the applicant has requested that the LTC re-consider their application to rezone in order to advance its consideration.

The preliminary staff report prepared for the LTC for their April 27, 2018 LTC meeting provides relevant information respecting this rezoning application (Attachment 1) and no new information has been provided by the applicant. Staff have attached the original rezoning application for reference (Attachment 2). The proposal is not compatible with the OCP statements that encourage retention of large lots and existing densities; would increase residential density near agricultural lands; and lacks a demonstrable public benefit.

Rationale for Recommendation

Staff continue to recommend that the application be denied based on the reasons outlined in the original staff report received by the LTC at their April 2018 LTC meeting. The formal recommendation is included on Page 1 of the report.

ALTERNATIVES

1. Request further information

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

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust [insert requested information and rationale for request].

2. Refer the Application to APC for Comment

The LTC may refer the application to the APC. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request staff to refer application HO-RZ-2018.1 to the Hornby Island Advisory Planning Commission for comment.

3. Proceed with Application Process

The LTC may choose to request staff to proceed with processing the application. If selecting this alternative, staff note that an OCP amendment would be required and that the applicant should pay an additional fee of \$550.00. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request staff proceed with processing application HO-RZ-2018.1.

NEXT STEPS

If the LTC resolves to deny the application as recommended by staff, staff would close the file and issue a partial refund to the applicant in the amount of \$1650.00 as per the Hornby Island Fees Bylaw No. 132.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	September 3, 2019
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	September 3, 2019

ATTACHMENTS

1. Staff Report, dated April 27, 2018
2. Rezoning application, received January 10, 2018



File No.: HO-RZ-2018.1
(Wiseman)

DATE OF MEETING: April 27, 2018
TO: Hornby Island Local Trust Committee
FROM: Madeleine Koch, Planner 2
Northern Team
SUBJECT: Rezoning Application HO-RZ-2018.1
Applicant: David Wiseman
Location: 5020 Fowler Road

RECOMMENDATION

1. That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1;
2. That the Hornby Island Local Trust Committee add “Land Use Bylaw Amendments” to the Projects List with the associated activity to include “Review Subdivision Lot Area Regulations for the Large Lot (R2) Zone”.

REPORT SUMMARY

The subject property is located at 5020 Fowler Road, at the corner of Fowler and Ostby Roads. The applicant/owner, David Wiseman, proposes to rezone the 3.98 hectare R2 zoned lot to allow a Minimum Average Lot Area of 1.99 hectares. The purpose of the proposal is to allow subdivision of the lot into two parcels (see Attachment 1), so that one of the lots can be sold for residential purposes.

This report provides background information on the subject property’s development history, and an analysis of the legislative and policy frameworks affecting consideration of this rezoning application.

The report also highlights a technical issue regarding the Land Use Bylaw provisions for subdivision in the Residential 2 zone, which was discovered during analysis of this application.

BACKGROUND

The subject property is zoned Large Lot (R2) and is within the Rural Residential (RR) Official Community Plan (OCP) designation. It is not within the Agricultural Land Reserve (ALR); however adjacent properties to the east and west are in the ALR, as are nearby lots to the south (see Attachment 2).

Since 2008, the subject property’s parent parcels have been subdivided twice under former Hornby Island Land Use Bylaw No. 86. In 2016, the landowners made a third subdivision application, under current Hornby Island Land Use Bylaw No. 150, for the purpose of subdividing the subject property into two lots. The Provincial Approving Officer denied the 2016 proposal because the property had insufficient area to meet the Minimum Average Lot Area (MALA). Because MALA cannot be varied (as that would constitute a variance of density), the applicant chose to make this rezoning application. See Attachment 3 for copies of historic subdivision plans involving the subject property.

The applicant contends that the lot would have subdivision potential at present, if not for a surveying error that occurred when the lot was previously subdivided in 2011. Had the 2011 subdivision been configured slightly differently, the subject property could have been 4 hectares in area and thus able to meet a MALA of 2 hectares. However, the MALA for the R2 zone is in fact 4 hectares, not 2 hectares, due to a contradiction in the Land Use Bylaw (LUB) (see Attachment 4). This issue is discussed in detail below, under the “Issues and Opportunities” heading.

The application was made under the assumption that a 2 hectare MALA applies and therefore the rezoning request would allow for the creation of new lots that would be only 0.01 hectares smaller than the permitted lot area. Because the MALA is actually 4 hectares, the requested rezoning would allow lots that are 2.01 hectares smaller than the permitted lot area, which is a more significant request, and at greater odds with applicable OCP content (see Attachment 5).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement Relevant Policies:

Staff have identified the following applicable policies from the Islands Trust Policy Statement (ITPS):

***4.1.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.*

***4.1.6** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.*

***5.2.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

The proposal would increase residential density in proximity to agricultural land, which is not considered a best practice for farm land protection, as higher residential density increases the likelihood of neighbour-to-neighbour conflicts related to odour, noise, and other farm-related nuisances.

Official Community Plan:

The OCP includes the following applicable statements:

***6.1 [Background]** A review of the current and proposed parcels located within the land use categories contained within this plan and the level of land development activities in those categories indicate that there remains a sufficient inventory of lands to allow for sustainable future land use needs over the next five years and beyond*

***[Excerpt from Section 6.3.1 (Residential – General Background)]** Notwithstanding [the housing] challenges [facing Hornby], the location, amount, type and density of current residential lands; in conjunction with the designation of new lands for community housing and the addition of new policies enabling secondary suites and temporary housing; are deemed sufficient to meet anticipated housing needs over the next five years and beyond.*

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.

6.1 [Objectives] (4) *to consider the community benefit in any significant rezoning application*

6.3.3 Rural Residential Background

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

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

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

6.3.3 Rural Residential Objectives [Excerpt of relevant objectives]

- 1) to promote retention of large parcels of land and existing densities;*
- 2) to provide some limited opportunity for land sharing without encouraging subdivision;*

This proposal would increase density within the RR land use designation, which is contrary to OCP objectives. The OCP indicates there is no need for further residential density by way of subdivision at this time. Furthermore, this proposal does not offer a demonstrable community benefit.

Land Use Bylaw:

The Hornby Island Land Use Bylaw No. 150 provides the following applicable density and subdivision provisions:

8.2 – Residential 2 - Large Lot (R2) Zone [Excerpt of relevant sections]

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

- (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;*
- (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger;*

(7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.

(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

(9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares

The 4 hectare MALA stipulated in subsection 8.2(9) overrides the 2 hectare MALA cited in 8.2(8). The proposal would result in lots 2.01 hectares smaller than the R2 zone MALA required by the Land Use Bylaw.

Issues and Opportunities

Inconsistency with the OCP

In accordance with the *Local Government Act*, all bylaws are required to be consistent with the OCP. The OCP includes the following applicable objectives for the Rural Residential (RR) Designation (which coincides with the R2 zone) related to lot size and density:

- 6.3.3(1) to promote retention of large parcels of land and existing densities
- 6.3.3(2) to provide some limited opportunity for land sharing without encouraging subdivision

This proposal would not support objective 6.3.3(1), as it would result in the creation of smaller parcels of land and higher density. Because the lot is currently 3.98 hectares in area, it is 0.02 hectares below the 4 hectare lot area required to be eligible for two dwellings. However, if it were rezoned and subdivided, each lot could have a dwelling.

Objective 6.3.3(2) supports some level of land sharing (such as allowing two dwellings on lots greater than 4 ha), however it specifically discourages subdivision. It should be noted that, in the long term, subdivision constitutes a more permanent creation of density than simply allowing two dwellings per lot by way of zoning. While the Local Trust Committee (LTC) may consider making changes to zoning to gradually phase out uses that no longer serve the public interest, subdivision cannot be reversed except at the initiative of individual property owners.

It should be noted that, even if a 2 hectare MALA did apply and the application was only proposing a minor reduction in permitted MALA, this would not necessarily justify advancing the proposal. Either way, this rezoning would result in an increase in density, which is at odds with OCP objectives. Furthermore, the Local Trust Committee (LTC) should carefully consider the possible implications of setting a perceived precedent of allowing rezoning for the purpose of altering Minimum Average Lot Area to open up subdivision potential – especially in cases like this where the proposal does not make a demonstrable contribution to the public good.

Agricultural Edge Planning Considerations

The properties to the east and west of the subject property are within the Agricultural Land Reserve (ALR). Typically, increasing residential density near agricultural land is not considered best planning practice, due to the potential for conflicts to arise based on odours, noise, and other nuisances that may be associated with operating farms. OCP Policy 6.4.2.6 states “uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts”. If the LTC chooses to advance this proposal, consideration could be given to establishing agricultural buffers on the subject property.

Minimum Average Lot Area Contradiction

The following analysis does not directly impact the proposal. It is addressed here because this proposal brought the issue to light and it should be dealt with. This analysis is also helpful in illuminating the intent of the bylaw, and therefore the extent of the rezoning request.

Section 8.2(8) of the Land Use Bylaw states that the Minimum Average Lot Area (MALA) for the R2 zone is 2 hectares. However, Section 8.2(9) states: “Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares”. Section 8.2(2)(b) permits two dwellings on lots with an area of 4 hectares or more. This effectively triggers a 4 hectare MALA in all instances, since 4 hectares is the minimum area required to be able to subdivide to a MALA of 2 hectares, and it is also the size at which an R2

zoned lot is permitted two legal dwellings, and is therefore subject to a MALA of 4 hectares. It appears that the 2 hectare MALA provision is redundant, as there would be no circumstance in which it could be applied. While a technical interpretation of the LUB makes it quite clear that a MALA of 4 hectares would apply for any subdivision application in the R2 zone, the fact that Section 8.2(8) exists begs the question: what was the intended MALA at the time the bylaw was adopted?

Staff reviewed records from when the Land Use Bylaw was in development in an attempt to ascertain the MALA intended for the R2 zone, but did not find any clear analysis to help answer the question. While a 2014 staff report cites a proposed MALA of 2 hectares for the R2 zone, Hornby Island Official Community Plan No. 149 – adopted in 2016 – includes statements that suggest a larger MALA was intended.

The Rural Residential (RR) Official Community Plan designation coincides with the R2 zone and, as discussed earlier, includes an objective “to promote retention of large parcels of land and existing densities”. Applying a minimum average lot area of 2 hectares would not support the OCP objective to retain larger lots, because the previous Hornby Island LUB No. 86 required a minimum average lot area of 4 hectares, as per the former R3 zoning that was applicable to the subject property (see Attachment 6). Applying a minimum average lot area of 2 hectares would allow the creation of smaller lots than were possible under the previous bylaw, which is not the intent expressed in the OCP. Based on applicable OCP objectives, it appears that a 4 hectare MALA is more appropriate for the R2 zone.

Further exploration of this issue via a land use bylaw amendment project is recommended.

Rationale for Recommendation

Staff recommends that the application be denied. This recommendation is based on the proposal’s lack of compatibility with OCP statements that encourage retention of large lots and existing densities within the Rural Residential Designation. Secondary reasons for the recommendation are: the fact that the proposal would increase residential density near agricultural lands, and the proposal’s lack of demonstrable public benefit.

It is also recommended that the wording regarding the R2 zone MALA be clarified through an amendment bylaw at the same time as other minor bylaw issues are addressed. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. Request further information

That the Hornby Island Local Trust Committee request staff to obtain further information from the applicant including [specific information to be provided].

2. Refer Application to APC for Comment

That the Hornby Island Local Trust Committee request staff to forward the application to the Hornby Island Advisory Planning Commission for comment.

3. Proceed with Application Process

That the Hornby Island Local Trust Committee request staff to proceed with the application process by preparing a staff report including draft bylaws and recommended referrals.

Staff note that an OCP amendment would require the applicant to pay an additional fee of \$550.00.

NEXT STEPS

If the LTC moves the recommendation, staff would close the file and issue a partial refund to the applicant in the amount of \$1650.00 as per the Hornby Island Fees Bylaw No. 132.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	April 11, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. Proposed plan of subdivision
2. ALR Map
3. Historic subdivision plans
4. Large Lot (R2) zone
5. Rural Residential OCP Designation
6. Previous zoning applicable to the subject property (Excerpt from Bylaw 86)



ALR Map



458.6 0 229.3 458.6 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Islands Trust



1:9,028

April 11, 2018

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class
 -  Not Zoned
 -  Commercial/Industrial
 -  Community
 -  Residential
 -  Resource
 -  Water
- Contours
 -  Index Contour
 -  Intermediate Contour

LEGEND - Operational Layers

-  Agriculture Land Reserve
-  First Nations Reserves

8.2 Residential 2 – Large Lot (R2) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) residential use of a recreational vehicle;
 - (c) secondary suite in a dwelling on lots 2.0 hectares or larger;
 - (d) horticulture accessory to a principal residential use;
 - (e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;
 - (e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;
 - (f) accessory uses, buildings and structures, including but not limited to home occupations; and
 - (g) vacation home rental use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;
 - (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m².

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.
- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

Other Regulations

- (9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.

6.3.2.14 Home occupations should be limited to those occupations that would result in no increase in sewage treatment requirements.

6.3.2.15 Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

6.3.2.16 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.2.17 The Local Trust Committee should encourage and support initiatives to monitor and address impacts of concentrated development upon health, safety and the environment in this area.

6.3.3 Rural Residential

Background:

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

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.

6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of

0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.

- 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.
- 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.
- 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.
- 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.
- 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.
- 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.
- 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

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

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

Area

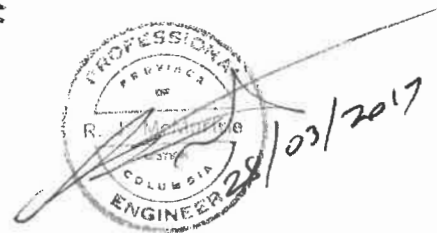
The areas identified on Schedule B (Map Designations) as F (Forest) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are to:

- (1) preserve scenic, aesthetic and ecological values;
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;
- (3) preserve traditional public trail access through forested areas especially to escarpment view points;
- (4) promote retention of large parcels of land;
- (5) provide some limited opportunity for land sharing without encouraging subdivision,

28/03/2017



06-XS

SUBDIVISION PLAN OF THE N 1/2 OF THE E 1/2
OF THE NW 1/4 OF SECTION 10,
HORNBY ISLAND,
NANAIMO DISTRICT.

PLAN 30844

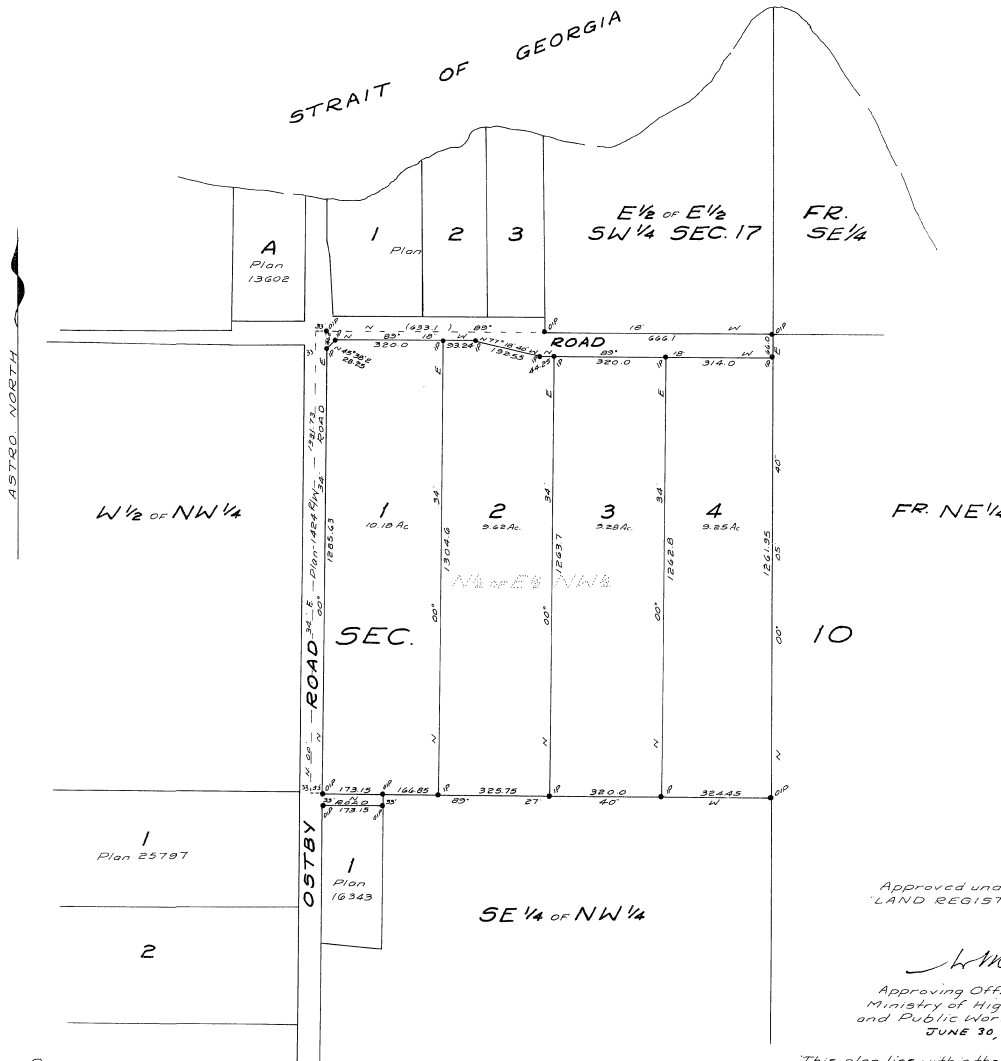
Deposited in the LAND REGISTRY
OFFICE at Victoria, B.C. this 26th day
of July 1977

Scale: 1 inch = 200 Feet

Bearings from Plan 1424 R/W

- OIP - denotes old iron pin found.
- IP - denotes standard iron pin set.

ASST. DEPUTY Registrar



Owner:

Sea Breeze Lodge Ltd.

[Signature]
Director

Mortgages:

[Signature]
William Hope Fowler

[Signature]
Evelyn Vergie Fowler

Witness as to both signatures.

[Signature]
Address: Courtenay, B.C.

Occupation: Surveyor

Gordon G.H. Wagner
G. Keith Wagner
B.C. Land Surveyors & Notary Public
Suite D - 563 England Ave.
Box 3118 - Courtenay, B.C.
File: 1068-75

I, Gordon G.H. Wagner of Courtenay, B.C., British
Columbia Land Surveyor, make oath and say that
I was present at and did personally superintend
the survey represented by this plan and that
the survey and plan are correct. The said survey
was completed on the 23rd day of December, 1976.

G.H. Wagner BCL5

Sworn before me at Courtenay, B.C. this 23rd day
of December, 1976

[Signature]

A Commissioner for taking Affidavits in and for
the Province of British Columbia.

PLAN OF SUBDIVISION OF LOTS A AND B, PLAN VIP86089;
AND LOT 2, PLAN 30844:
ALL OF SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT.

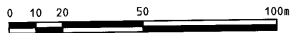
PLAN VIP **89098**

B. C. G. S. 92F.057

DEPOSITED IN THE LAND TITLE OFFICE
AT VICTORIA, B. C., THIS
12 DAY OF September, 2011

C. MacDonald *pm*
REG. FB434463 REGISTRAR

SCALE: 1:1250 (METRIC)



ALL DISTANCES ARE GROUND LEVEL, HORIZONTAL, IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm
IN HEIGHT BY 432 mm IN WIDTH (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:1250.

LEGEND:

BEARINGS ARE ASTRONOMIC AND ARE DERIVED
FROM PLAN VIP86089.

- STANDARD IRON POST FOUND
- STANDARD IRON POST SET

ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE NOTED.

OWNER: *David Paul Wiseman*
DAVID PAUL WISEMAN

OWNER: *Joan Harris*
JOAN HARRIS

WITNESS: *Laurie Nixon*
2435 W. Carmichael Rd. Hornby Is.
ADDRESS OF WITNESS
Bookkeeper
OCCUPATION OF WITNESS
Laurie Nixon

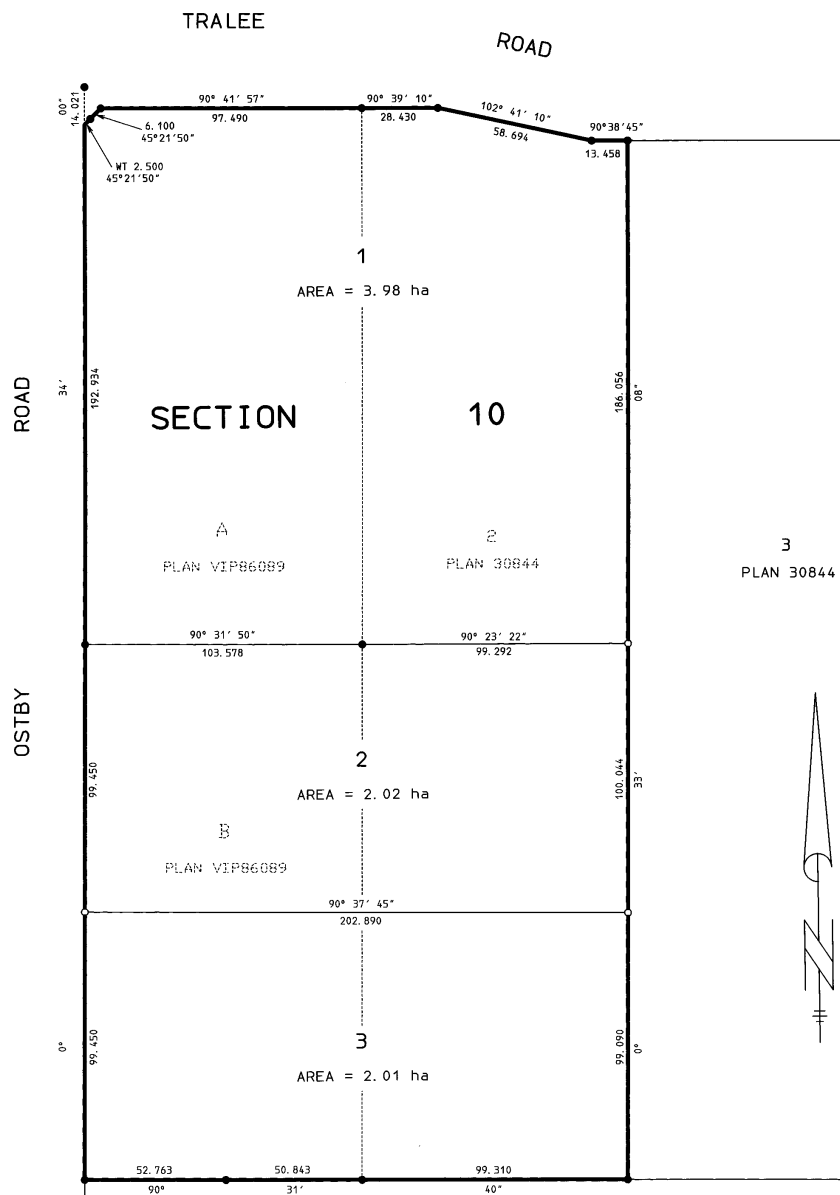
APPROVED UNDER THE LAND TITLE ACT
DATED THIS 30 DAY OF August, 2011.

R. W. H.
APPROVING OFFICER FOR THE MINISTRY OF
TRANSPORTATION AND INFRASTRUCTURE.

THIS PLAN LIES WITHIN THE COMOX
VALLEY REGIONAL DISTRICT.

I, STEVEN R. HOERBURGER, A BRITISH COLUMBIA LAND SURVEYOR
CERTIFY THAT I WAS PRESENT AT AND PERSONALLY
SUPERINTENDED THE SURVEY REPRESENTED BY THIS
PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT.
THE FIELD SURVEY WAS COMPLETED ON THE 26th DAY OF
JULY, 2011. THE PLAN WAS COMPLETED AND CHECKED,
AND THE CHECKLIST FILED UNDER #125929, ON THE 2nd
DAY OF AUGUST, 2011.

Steven R. Hoerbuerger
B. C. L. S.



1
PLAN
16343

REMAINDER SE 1/4
OF THE NW 1/4
SECTION 10

HOERBURGER LAND SURVEYORS
COMOX, B. C.
(250) 890-0100
FILE: 1375502/132.27 FB61/98 USB3

original

HOME OCCUPATION REGULATIONS

- 9.8.12 Despite Section 4.1.2, no person may be employed in any home occupation who is not a permanent resident of the lot on which the home occupation is located.

9.9 RURAL RESIDENTIAL (R3) ZONE (Large Lot Residential areas)

PERMITTED USES

BL 143

- 9.9.1 In the Rural Residential (R3) Zone the following uses are permitted, subject to the regulations set out in this Section 9.9 and to the general regulations set out in Part 3.0, and all other uses are prohibited:

- 9.9.1.1 Residential
- 9.9.1.2 Agriculture
- 9.9.1.3 Silviculture
- 9.9.1.4 Home occupation
- 9.9.1.5 Bed and breakfast
- 9.9.1.6 Accessory uses.
- 9.9.1.7 Vacation Home Rental Use

PERMITTED DENSITY

BL 109

- 9.9.2 One residential dwelling unit is permitted per lot, and one additional residential dwelling unit is permitted for each 4 ha (9.8 acres) of lot area over 4 ha (9.8 acres).
- 9.9.3 One secondary dwelling unit is permitted on each lot having an area greater than 3.5 ha (8.6 acres).
- 9.9.4 Despite Sections 9.9.2 and 9.9.3, two residential dwelling units are permitted per lot over 4 hectares on residential lots created from the subdivision of Lot A, Plan VIP58906, Section 12, Hornby Island, Nanaimo District.
- 9.9.5 Lot coverage must not exceed 10% of any lot having an area of 1 ha (2.5 acres) or more nor 15% of any lot having a smaller area.
- 9.9.6 The total floor area of any accessory building on a lot must not exceed 200 m² (2152 ft²).

MINIMUM SETBACKS

- 9.9.7 Buildings and structures must be set back
- 9.9.7.1 at least 15 m (49.2 ft) from and 1.5 m (5 ft) above the natural boundary of any lake, watercourse or the sea;
 - 9.9.7.2 at least 8 m (26.2 ft) from a front lot line;
 - 9.9.7.3 at least 8 m (26.2 ft) from a rear lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4000 m² (1 acre);

9.9.7.4 at least 6 m (19.6 ft) from an interior side lot line, or 3 m (9.8 ft) in the case of a lot having an area less than 4000 m² (1 acre); and

9.9.7.5 at least 8 m (26.2 ft) from an exterior side lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4,000 m² (1 acre).

9.9.8 Where fill is used to achieve the elevation required in Section 9.9.6, no portion of the fill slope may be less than 15 m (49.2 ft) from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.

9.9.9 Buildings and structures must be set back at least 15 m (49.2 ft) from the edge of any cliff, or at least 10 m (33 ft) if the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is safe.

9.9.10 Satellite dish antennas and parabolic reflectors must be set back at least 8 m from all lot lines.

BL 133

9.9.11 Feeding troughs, manure piles, buildings and structures for housing animals must be set back at least 30 m (98.4 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.12 The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15 m (49.2 ft) of the natural boundary of any lake, watercourse or the sea.

9.9.13 Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 8 m (26.2 ft) from all lot lines.

9.9.14 Buildings and structures used for the commercial growing of mushrooms, the commercial raising of fur bearing animals or more than 100 birds, and commercial feedlots must be set back at least 61 m (200 ft) from any highway, 46 m (150 ft) from any lot line, and 30 m (98 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.15 All privies must be set back at least 8 m (26 ft) from all lot lines.

MINIMUM AND AVERAGE LOT SIZE

9.9.16 No lot having an area less than 1 ha (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 4 ha (9.8 acres).

PARKING AND SCREENING REGULATIONS

9.9.17 Motor vehicle parking spaces must be provided for all permitted uses in accordance with Part 5.0 of this bylaw.

9.9.18 Outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

AGRICULTURAL USE REGULATIONS

- 9.9.19 Commercial raising of domestic animals and poultry is not permitted on lots having an area less than 1 hectare (2.5 acres)

BL 127

SITE SPECIFIC ZONING VARIATION- R3(a)

The purpose of the R3(a) site-specific zoning variation is to provide regulations for larger lots with two-owners and owned in common since 1991.

- 9.9.20 The regulations listed in this table apply to the land identified on Schedule B (the zoning map) by the site-specific variation zoning code listed below on the left:

Site-specific Zoning Code	Site-specific Regulations
R3(a)	1. Despite Subsection 9.9.1.2, Agriculture is permitted accessory to a residential use. 2. Despite subsection 9.9.1.3, Silviculture is permitted accessory to a residential use. 3. Despite Subsection 9.9.2, on lots less than 4.0 hectares in area, a maximum of one residential dwelling unit is permitted per lot, on lots 4.0 hectares or larger a maximum of two residential dwelling units are permitted per lot. 4. Despite Subsection 9.9.3, secondary dwelling units are not permitted. 5. Despite Subsection 9.9.16, the minimum size of lots created by subdivision is 1.0 hectares (2.5 acres) and the minimum average lot size must be at least 1.6 hectares (4.0 acres).

9.9A LARGE LOT RESIDENTIAL/WATER RESOURCE PROTECTION (LR/WSPA) ZONE

BL 111

PERMITTED USES

BL 143

- 9.9A.1 In the Large Lot Residential/Water Resource Protection (LR/WSPA) zone the following uses are permitted, subject to the regulations set out in this Section 9.9A and to the general regulations set out in Part 3.0, and all other uses are prohibited:

9.9A.1.1	Residential
9.9A.1.2	Agriculture
9.9A.1.3	Silviculture
9.9A.1.4	Home occupation
9.9A.1.5	Bed and breakfast
9.9A.1.6	Accessory uses.
9.9A.1.7	Vacation Home Rental Use

PERMITTED DENSITY

- 9.9A.2 One residential dwelling unit is permitted per lot.



Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca

Salt Spring Office
1 - 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca

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

North Pender, South Pender,
Galiano, Mayne, Saturna, Executive

Salt Spring

Gambier, Lasqueti, Hornby,
Denman, Gabriola, Thetis

Bylaw Amendment Application Form

For Official Community Plan, Land Use Bylaw, Zoning Bylaw, Subdivision Bylaw.
Rural Land Use Bylaw and Land Use Contract Amendments.

Application Fee:

\$4,400 -

OFFICE USE ONLY

Receipt No:

3606

File No:

H0-RZ-2018-1

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 1 Plan VIR 89098 Block ? District Lot/Section 10
Range ? Other Description Section 10
Street Address or General Location 5020 FOWLER ROAD Hornby Island
Jurisdiction and Folio Number 771 000 566.335 (From Property Assessment/Tax Notice)
Parcel Identifier (PID) 028 - 737 - 245 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

(1) David Wiseman
Name
(1) 5020 Fowler Road
Street Address
Hornby Island BC V0R1Z0
Postal Code
[REDACTED]
Telephone
[REDACTED]
Email

(2)
Name
(2)
Street Address
Town/Prov. Postal Code
Telephone
Email

RECEIVED

JAN 10 2018

**ISLAND TRUST
NORTHERN OFFICE**

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name Street Address Town/Prov.
Postal Code Telephone Fax Email

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions regarding the collection of personal information on this form.

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Plan Designation or Zone changes:

Official Community Plan amendment requested (if applicable and be specific):

Allow subdivision of property of 3.98 hectares

Land Use Bylaw, Zoning, Subdivision or Rural Land Use Bylaw amendments requested (if applicable and be specific):

Allow subdivision of property of 3.98 hectares into 2 lots of 1.99 hectares

Land Use Contract amendments requested (if applicable and be specific):

SECTION 5: Site Plans (if applicable):

Submit one (1) full-size copy and three (3) reduced (11X 17) copies of a detailed Site Plan that shows all the natural and developed features of the property, and the distances between these features and the lot lines. Show the location of any proposed buildings, structures and land clearing showing accurate dimensions of their size and the distances between the proposed developments and existing features, including lot lines. You may be required to submit an elevation showing the side views of the proposed development.

SECTION 6: Describe the current uses of the land and buildings on the property.

One house - single story - 1400 sq. ft
One out building (studio) 16ft x 25ft

SECTION 7: Describe the proposed uses of the land and buildings and the proposed timing of the development or commencement of use.

Subdivision into 2 lots One to contain current house and out building
One to be sold for residential purpose during 2018 - currently undeveloped

SECTION 8: Describe the current uses of land and buildings on adjacent properties. You may be required to submit a site plan showing existing features of adjacent properties.

Lot 2 Section 10 2.02 hectares - one home and one garage
Lot 31 Plan 30844 3.98 hectares
9.28 acres - one home and one cabin

SECTION 9: Describe the reasons in support of the bylaw amendment. Attach additional comments on a separate page. Submit any technical reports, studies or appraisals of the property and report on any community consultation you have undertaken.

Original 2 properties of Section 10 totalled 8.01 hectares. Subdivision resulted in LOT 1 being 3.99 hectares and LOT 2 2.02 hectares and LOT 3 being 2.01 hectares. This was an unintended result. This proposal will be consistent with regulation re: density ie 4 LOTS would total more than 2.0 hectares on average

SECTION 10: APPLICATION COMPLETION CHECKLIST:

- ☒ I have completed all sections of this application form
- ☒ I have included detailed site plans and elevation drawings as required in Section 5 of this application form
- ☒ I have included a recent State of Title Certificate (not more than 30 days old)
- ☒ I have included copies of all covenants registered against the title
- ☒ All owners listed on the title have signed the application
- ☒ I have included the correct fee (contact Staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 11: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required.)

For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

(1) David Wiseman

Consent and Authorization Signature

(2)

Consent and Authorization Signature

(1) December 19 2017

Date

January 5 2018

(2)

Date

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, a site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact this office.



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: HO-RZ-2018.1

File Name: Wiseman

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✘	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✘	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✘	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
x	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
x	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
x	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
TBD	<i>In compliance with Trust Policy</i>

ATTACHMENT 3 – OCP OBJECTIVES AND POLICIES

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

OCP Objective/Policy	Complies	Planner Comments
2.2 Objectives and Policies for All Land Use In order to preserve the natural ecosystems and biodiversity of the Island the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision: i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development; ii) conserving relatively undisturbed natural areas; iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines; v) securing connectivity between natural areas whenever the opportunity arises;	To be determined	Development Permit Area could be created to address 2.2.
2.2 Objectives and Policies for All Land Use <u>Over-riding Land Use Policies:</u> 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: i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works	To be determined	Further information needed.
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;	To be determined	Confirmation that water quality will be maintained should be provided as part of the zoning amendment application.

iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices;	To be determined	Confirmation that the quantity of the groundwater resource will be maintained and consideration should be given to water conservation measures and practices.
3.2 Environmentally Sensitive Areas <u>Policies</u> 3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.	To be determined	See p.3.2.2.
3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.	To be determined	The subject property is designated as environmentally sensitive on Schedule D1. Further information needed.
3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.	To be determined	See above p.2.2.2 ii) and iii).
3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.	To be determined	To address 3.2.5, sensitive ecosystem and important habitat could be regulated by development permit as part of the zoning amendment.
3.3 Parks and Protected Areas <u>Policies</u> 3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.	To be determined	See above 3.2.2.
4.5 Water <u>Objectives:</u> The objectives of this subsection are: (1) to encourage water conservation to ensure that existing users of the water supply do not deplete the supply; (2) to ensure that new demand for water does not stress the groundwater resource; (3) to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water; (5) to encourage the use of effective alternative systems and technologies; (6) to encourage the use of shared systems that provide water, store water and treat grey water; and (7) to encourage protection of water in wells.	To be determined	See above p.2.2.2 ii) and iii).
<u>Policies:</u>	To be determined	See above p.2.2.2 ii) and iii).

4.5.3 Development should be restricted in areas where groundwater limitations have been identified by a groundwater geochemistry study, aquifer classification, hydrological report or other technical information.		
4.5.8 Enclosed cisterns and ponds for storage of rainwater to supplement water supply for individual or group household use and fire protection and irrigation are encouraged.	To be determined	See above p.2.2.2 ii) and iii).
5.8 Roads <u>Policies:</u> 5.8.3 Shared accesses onto roads from private driveways should be encouraged and subdivision layouts should be designed to consolidate access points.	To be determined	See above p.3.2.2.
SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE 6.1 Objectives and Policies for Development <u>Objectives:</u> The objectives of this section are: (1) to protect the physical environment and natural features; (2) to ensure that all land uses are regulated equitably; (3) to ensure all development of the land base is self-sufficient for services and does not impose or create load on surrounding land uses; and (4) to consider the community benefit in any significant rezoning application.	To be determined	Protection of physical environment and natural features
<u>Policies:</u> 6.1.3 All applications for subdivision considered by the Local Trust Committee should demonstrate that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels.	To be determined	See p.2.2.2 ii) and iii) above.
6.1.4 Increasing net residential density through rezoning should not be permitted in the Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay areas.	N/A	Does not appear to be located in these neighbourhoods
6.1.6 The Local Trust Committee may consider proposals for covenants for the purposes of protecting the environment and specifically the groundwater resources, upon receipt of a rezoning, subdivision, or a temporary use permit application from the land owner. The covenant may contain restrictions on the use of the land in order to protect and enhance the groundwater recharge capabilities, to ensure that groundwater contamination is avoided, to address groundwater shortages, or to prevent further subdivision of the parcel. To ensure that any covenant is enforced, the covenant should be held by the Local Trust Committee (or the Trust Fund Board where appropriate) and should be monitored regularly.	To be determined	Confirmation that water quality will be maintained should be provided as part of the zoning amendment application.
6.1.8 Recommendations from the Ministry of Environment Stormwater Management Guidebook regarding the maintenance of pre-development infiltration and drainage regimes should be considered in the development of land use regulations.	To be determined	May be applicable (see p.2.2.2 ii) and iii) above).

6.3 Residential 6.3.1 Residential—General <u>Objectives:</u> The objectives of this subsection are: (1) to ensure that a variety of housing options are available; (2) to ensure that the scale of residences and other buildings are appropriate to the Island and neighbourhood context; (3) to recognize the importance of keeping long-term residents in the community; and (4) to provide for community initiatives to address housing needs for the foreseeable future.	To be determined	
<u>Policies:</u> Policies in subsection 6.3.1 apply to all subsections of subsection 6.3 6.3.1.1 Setbacks of buildings, structures and uses should be regulated to ensure that the natural aesthetics and the environmental integrity of adjacent foreshore, creeks and ecologically sensitive sites are not adversely affected. (This Plan acknowledges that geographical constraints prevent significant setbacks from the foreshore between Shingle Spit and Phipps Point.	To be determined	Can be addressed through development permit area or covenant.
6.3.1.2 Setbacks and heights of buildings should be regulated to ensure that the environmental integrity and amenity of adjacent lots, public roads and public land are not adversely affected.	To be determined	See above p.6.3.1.1.
6.3.2 Small Lot Residential <u>Objectives:</u> The objectives of this subsection are: (1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment; (2) to minimize the negative impacts associated with small lot development; (4) to ensure that the land uses do not have an adverse effect upon the quality and quantity of water draw down from the Whaling Station Bay Improvement District water collection system nor upon other wells on adjacent properties.	To be determined	(1) Could be addressed through environmental protection measures, such as covenant. (2) Unlikely to be considered small lots in this land use designation of the OCP (4) Could be confirmed through a study to assess quality and quantity and effects on adjacent properties
<u>Policies:</u> 6.3.2.2 The minimum parcel size should be one hectare (2.5 acres).	Yes	R1 zone states this minimum parcel size. OCP amendment has been applied for.
6.3.2.3 Existing Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay/Anderson Drive, as shown on Schedule B, will not be expanded and no new small lots will be created except for the purposes of park dedication, neighborhood waste water treatment or to create ecological reserves.	Yes	Does not appear to be located in the Sandpiper, Galleon Beach and Whaling Station Bay/Anderson Drive neighbourhoods. Will need to address this discrepancy.
6.3.2.4 One dwelling unit should be permitted on each lot.	Yes	One dwelling unit is permitted in the R1 zone.

6.3.2.6 Additional development of the groundwater resource should be strongly discouraged.	To be determined	Further information needed.
6.3.2.8 The Local Trust Committee supports the regular monitoring of the groundwater resource in these areas and should consider further restrictions upon land use if there is a documented threat of contamination or if aquifers become classified as "highly developed".	To be determined	Further information needed.
6.3.3 Rural Residential Objectives: The objectives of this subsection are: (1) to promote retention of large parcels of land and existing densities; (2) to provide some limited opportunity for land sharing without encouraging subdivision; (3) to enable some residents to resolve existing land sharing challenges; and (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.	N/A	This section refers to the current designation of the subject lot.
Policies: 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.	N/A	
6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.	N/A	
6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.	N/A	
6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.	N/A	
6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.	N/A	
6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.	N/A	
6.3.3.8 New road development in association with subdivision in this designation is discouraged and the	N/A	

use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.		
6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.	N/A	

ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098
PID	028-737-245
Civic Address	5020 Fowler Road, Hornby Island

LAND USE

Current Land Use	Residential (R2 zone)
Surrounding Land Use	East – ALR (A1 zone) West – Otsby Road and ALR (A1 zone) South – Residential (R2) North – Fowler Road and Residential (R2 zone)

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUB-2011.1	3 lot line adjustment
HO-SUB-2016.3	2 lot fee simple subdivision

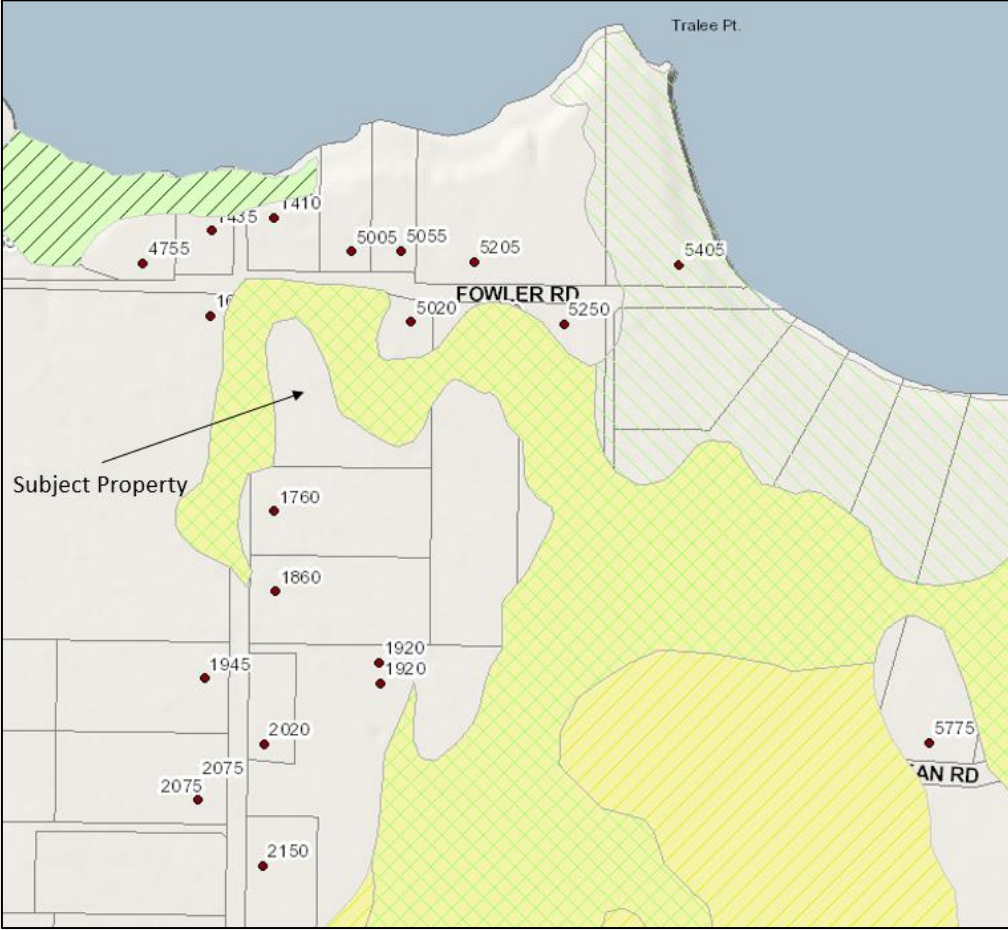
POLICY/REGULATORY

Official Community Plan Designations	Rural Residential <u>Objectives:</u> The objectives of this subsection are: (1) to promote retention of large parcels of land and existing densities; (2) to provide some limited opportunity for land sharing without encouraging subdivision; (3) to enable some residents to resolve existing land sharing challenges; and (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties. <u>Policies:</u> 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use. 6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of Hornby Island Official Community Plan,
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	2014 60 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision. 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character. 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater. 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities. 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system. 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement. 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported. 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.
Land Use Bylaw	Large Lot Zone (R2) 8.2 Subdivision Lot Area Requirements (7) No lot may be created by subdivision that has a lot area less than 1.0 hectares. (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares. Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 38 Other Regulations (9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.
Covenants	FB237794 (Hornby Island Local Trust Committee)
Bylaw Enforcement	None on file

SITE INFLUENCES

Islands Trust Conservancy	Not applicable at this time.
Regional Conservation Strategy	Relative value appears to be medium to high in Regional Conservation Plan 2018-2027
Species at Risk	None mapped

Sensitive Ecosystems	 ITC Mapping shows the following: Tertiary Class – Mature Forest Secondary Class – Mature Forest Primary Class – Wetland
Hazard Areas	None mapped
Archaeological Sites	The applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor work.
Climate Change Adaptation and Mitigation	Development of a second property for residential purposes could result in land clearing and increase in GHG emission.
Shoreline Classification	Not Applicable

PART 8 ZONE REGULATIONS

8.1 Residential 1 – Small Lot (R1) Zone (*Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot*)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) residential use of a recreational vehicle;
 - (c) accessory uses, buildings and structures, including but not limited to home occupations; and
 - (d) vacation home rental use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit or recreational vehicle used for a residential use per lot; and
 - (b) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure or recreational vehicle used for a residential use, 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, or 6.0 metres in the case of a lot having an area less than 4000 m²
 - (c) 6.0 metres from an interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m² and
 - (d) 8.0 metres from an exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m²
- (5) The floor area of a residential dwelling unit must not exceed 200 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m².

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area of less than 1.0 hectare.

Site Specific Regulations

- (8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations set out in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
R1(a)	<i>Whaling Station Bay/Anderson Drive and portion of Lot 11, Section 9, Hornby Island, Nanaimo District, Plan 25736 PID-002-659-026</i>	<i>Despite subsection 8.1.5 of this Bylaw, the floor area of a residential dwelling unit must not exceed 150 m², however if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot, the floor area of the residential dwelling unit must not exceed 200 m².</i>
R1(b)	<i>Shingle Spit Residences</i>	1. <i>Despite subsection 8.1.2 of this Bylaw:</i> a) <i>a maximum of one residential dwelling unit is permitted for each 0.24 hectares of lot area;</i> b) <i>a maximum of 12 residential dwelling units are permitted per lot;</i> c) <i>a maximum of one accessory building is permitted per lot not exceeding 8 m² in floor area.</i> 2. <i>Despite subsection 8.1(4) (c) of this Bylaw, the minimum setback for any building or structure, except for a fence or pump/utility house shall be 3.0 metres from an interior side lot line.</i> 3. <i>Despite subsection 8.1(5) of this Bylaw, the floor area of a residential dwelling unit must not exceed 186 m².</i> 4. <i>Despite subsection 8.1(7) of this Bylaw, land in the R1(b) zone may not be subdivided.</i>

HORNBY ISLAND OFFICIAL COMMUNITY PLAN Bylaw #149 Schedule D1 Environmentally Sensitive Areas



Primary Class	Secondary Class	Tertiary Class
Freshwater	FW	FW
Wetland	WN	WN
Riparian	RI	RI
Older Forest	OF	OF
Cliff	CL	CL
Mature Forest	MF	MF
Intertidal	IT	IT
Herbaceous	HB	HB
Woodland	WD	WD

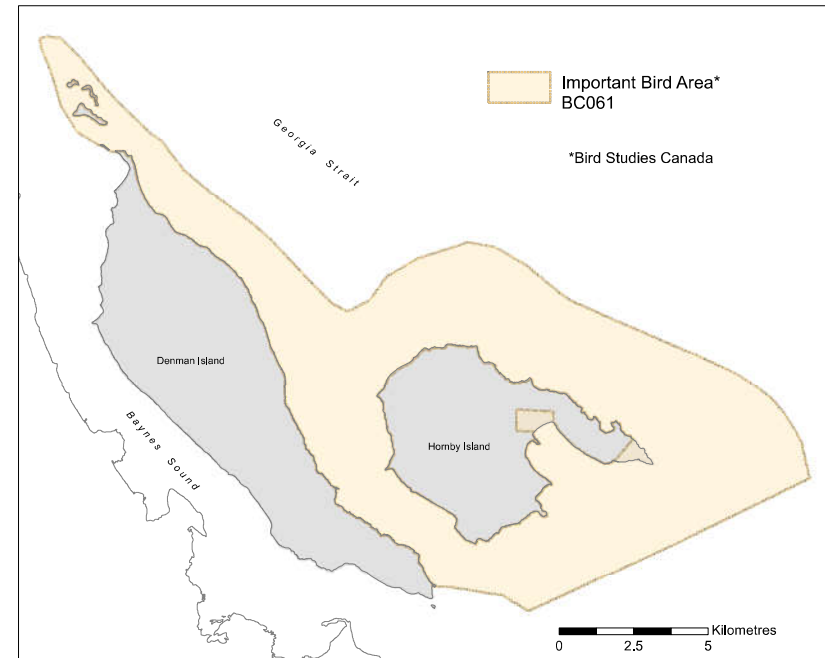
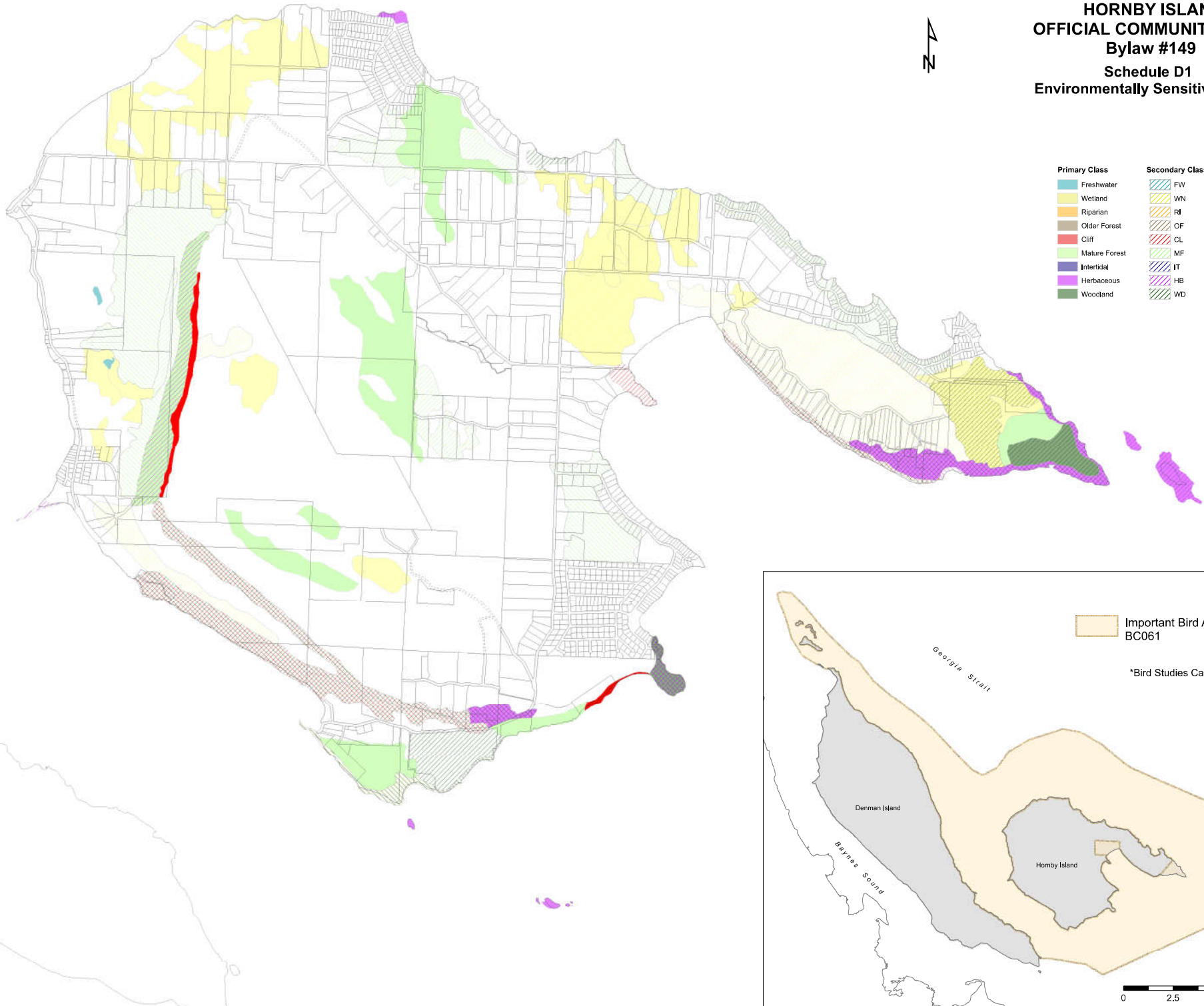




Photo 1:
Along south lot line (subject lot to left)



Photo 2:
On Ostby Road – facing north towards Fowler Road



Photo 3:
Looking south from subject lot



Photo 4:
Looking north from subject lot



Photo 5:
On Ostby Road – facing east towards subject lot

**HORNBY LOCAL TRUST COMMITTEE
BYLAW NO. 160**

A bylaw to establish procedures for meetings of the Local Trust Committee

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

SHORT TITLE

1. This bylaw may be cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw No. 160, 2020”.

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting of the first year, and the last regular meeting of each of the subsequent three years, following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a bulletin board located at the Northern Office of the Islands Trust and on the Islands Trust website.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee’s mailing address, email address or given to the trustee in person.
6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the date, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
7. If the Chair is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chair of the calling of the meeting and consider the Chair’s representations, if any, regarding the calling of the meeting.
8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
9. A quorum of the Local Trust Committee is two members.

10. In the event that neither the Chair nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present is within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chair.

MINUTES

11. The Director of Local Planning Services, or his or her designate, shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any Resolutions Without Meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chair or other trustee who presided at the meeting shall sign the minutes.
12. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

13. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under any of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
14. Resolutions shall be in writing, may be moved by any member of the Local Trust Committee, and need only be seconded if requested by the Chair.
15. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by Resolution Without Meeting.
16. The Chair of the Local Trust Committee, or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

DELEGATIONS

17. A Delegation period, limited to fifteen (15) minutes in duration, may be scheduled for each regular meeting of the Local Trust Committee and may be extended by unanimous vote of the members present.
18. An individual, or a representative of an organization, may request the opportunity to address the Local Trust Committee as a delegation. A delegation requesting permission to appear before the Local Trust Committee shall submit a written request to address the members of the Local Trust Committee. The subject of the written request and the presentation must fall within the jurisdiction of the Local Trust Committee, or address an item within the jurisdiction of the Islands Trust Council.
19. The written request must specify the subject matter of the presentation and include either a copy of the presentation or an overview of the information to be presented. The written request must also include the name and address of the person(s) speaking.

20. All written requests to appear before the Local Trust Committee must be received by the Deputy Secretary by 12:00 noon fourteen (14) calendar days prior to the meeting.
21. Each address shall be limited to five (5) minutes unless a longer period is agreed to by unanimous vote of those Local Trust Committee members present.
22. Any video presentations used as part of a delegation's address to the Local Trust Committee will count toward the time limit permitted for the delegation.
23. In the event of a delegation presenting a petition, the petition shall contain each petitioner's signature and printed name and address.
24. Where written requests have not been received by the Deputy Secretary as prescribed in section 20, an individual may address the meeting in the Public Participation period, as outlined within this bylaw.
25. The Local Trust Committee must not permit a delegation to address a meeting of the Committee regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
26. The Deputy Secretary may schedule delegations to another Local Trust Committee meeting according to the subject matter of the delegation.
27. The Deputy Secretary may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of the Local Trust Committee or address an item within the jurisdiction of the Islands Trust Council. If the delegation wishes to appeal the Deputy Secretary's decision, the information must be distributed under separate cover to the Local Trust Committee for their consideration.

ORDER AND DECORUM

28. The Chair is to preserve order at every meeting of the Local Trust Committee and has the power to make such rulings as are necessary to do so, including the power to rule on all points of order and may deny any individual or a delegation the right to address a meeting if, in the Chair's opinion, the individual or the delegation:
 - 28.1 makes defamatory remarks about any person or speaks disrespectfully of any person;
 - 28.2 addresses issues not contained within the written application of the individual or delegation, as prescribed in sections 18 and 19; or
 - 28.3 immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs.
29. Individuals and delegations will not be heard at regular meetings of the Local Trust Committee on the following:
 - 29.1 the promotion of commercial products or services which have no connection to the business of the Local Trust Committee;
 - 29.2 matters on which the Local Trust Committee has approved commencement of prosecution and on which judgment has not been rendered;
 - 29.3 publicly tendered contracts or proposal calls for the provision of goods and services for the Local Trust Committee, between the time that such contract or proposal call has been

authorized and the time such contract or proposal call has been awarded, either by the Local Trust Committee or Islands Trust staff; or

29.4 Topics which are normally dealt with by Islands Trust staff as a matter of routine.

30. A Local Trust Committee member may ask or answer questions of a member of the public who is addressing the Local Trust Committee. Debate with, or by any member of the Local Trust Committee or staff is not permitted.
31. The Chair or person presiding may expel and exclude a person from a meeting of the Local Trust Committee for improper conduct.

INVITED PRESENTATIONS

32. Members of the Hornby Island Local Trust Committee may, with the Chair's approval, invite a person, persons, or organizations(s) to make a presentation to the Local Trust Committee. Time permitting, the Deputy Secretary shall include the subject of the presentation and the designated speaker on the meeting agenda.

PUBLIC PARTICIPATION

33. A public participation period, limited to ten (10) minutes in duration, may be scheduled for each regular meeting of the Local Trust Committee and may be extended by majority vote of the Local Trust Committee members present.
34. A member of the public may have three (3) minutes to address the Local Trust Committee during the public participation period, unless extended by unanimous vote of the Local Trust Committee members present.
35. Persons wishing to address the Local Trust Committee will be asked to state their name, address and topic involved.
36. Subjects must relate strictly to matters under the jurisdiction of the Local Trust Committee, or items within the jurisdiction of the Islands Trust Council, unless the Local Trust Committee waives this requirement by majority consent.
37. Subjects must be on topics which are not normally dealt with by Islands Trust staff as a matter of routine.
38. Subjects must be brief and to the point.
39. The order of priority in which speakers will be heard during the duration of the public participation period will be determined as follows: first, those addressing items on the Local Trust Committee agenda; second, those addressing items within the jurisdiction of the Local Trust Committee; and third, those addressing items within the jurisdiction of the Islands Trust Council.

ELECTRONIC MEETINGS

40. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

41. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
42. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.
43. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.
44. The Local Trust Committee may waive the restrictions in sections 42 and 43 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
45. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
46. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
47. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
48. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
49. For the duration of an electronic meeting that is open to the public, the Director of Local Planning Services, or their designate, must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants.
50. Cell phone or satellite connections may be used for open Local Trust Committee meetings. If communication is lost to one or more electronic participants during a meeting:
 - 50.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 50.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 50.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.
51. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Hornby Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has received the approval of the majority of Local Trust Committee members."

EXECUTION OF DOCUMENTS

52. The Chair and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.
53. “Hornby Island Local Trust Committee Meeting Procedures Bylaw No. 118, 2004” is repealed.

READ A FIRST TIME THIS 24TH DAY OF JANUARY, 2020.

READ A SECOND TIME THIS 24TH DAY OF JANUARY, 2020.

READ A THIRD TIME THIS 24TH DAY OF JANUARY, 2020.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
5TH DAY OF FEBRUARY, 2020

ADOPTED THIS _____TH DAY OF _____, 20XX.

CHAIR

SECRETARY

DO NOT ADOPT THE PROPOSED "MODEL STRATEGY FOR ANTENNA SYSTEMS": CREATE AN ANTENNA SITING POLICY THAT PRESERVES AND PROTECTS

We, the undersigned, residents of Canada, draw the attention of the Islands Trust and our Local Trust Committees to the following:

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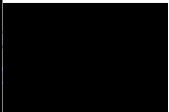
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THEREFORE, we the undersigned **RESIDENTS OF CANADA** call upon **LOCAL TRUST COMMITTEES**, and the **ISLANDS TRUST** overall, to create a Trust-wide Antenna Siting Protocol that is as protective as possible, thus adhering to the Precautionary Principle as outlined in several Trust regions' official community plans.

Such a policy would state that:

- Radiofrequency radiation-emitting antennas be located no closer to areas of continuous human activity than 500 metres, with the cumulative sum total of incident radiofrequency power density levels at regularly occupied buildings not to exceed 2 microwatts/cm², consistent with the Salt Spring Antenna protocol of 2011; and,
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PRINTED NAME	SIGNATURE	ADDRESS
Linda Lake		
MARY CELESTINE		
Helen Grond		
JERRY BOBIE		
BONNIE INGLIS		

RECEIVED
NOV 08 2019
ISLANDS TRUST
NORTH OCEAN OFFICE

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PETITION TO THE ISLANDS TRUST AND ALL LOCAL TRUST COMMITTEES

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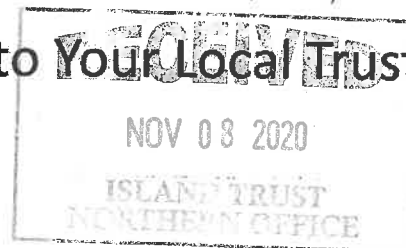
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PRINTED NAME	SIGNATURE	ADDRESS
Annanda Zielinski		
Pon Zielinski		
Dina Zielinski		
Robert Hill		
Tan Kennedy		
Gary Burtinsky		
Christiane Brown		
Sarah Chas		

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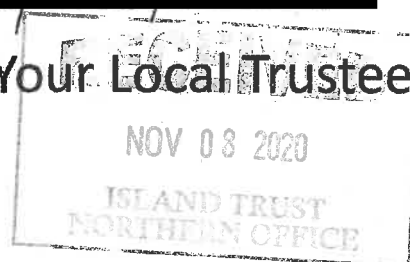
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PRINTED NAME	SIGNATURE	ADDRESS
Sarah du Plessis		
Emile Bassett		
JOHN WELES		
Joanne Outstar		
JUDITH LAWRENCE		
GALF HANSON		
Ian Palmer		
A. Kelerchian		

2

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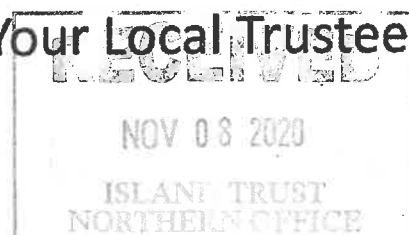
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PRINTED NAME	SIGNATURE	ADDRESS
LOUISE WALTERS		
Elspeth Armstrong		
ELANOR LARSEN		
Alison BRING		
Carol Jones		
SHARON ROGALSKY		

3

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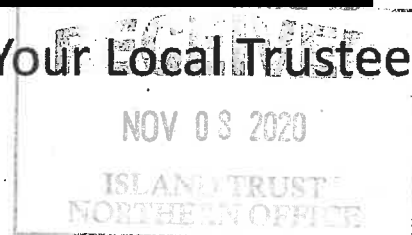
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PRINTED NAME	SIGNATURE	ADDRESS
Joan Anderson		
TOM KNOTT		
Tara Channell		
Patricia Kennedy		
Rex Brown		
Caroline Mazur		
Judith Welton		
Jo Lechay		

(4)

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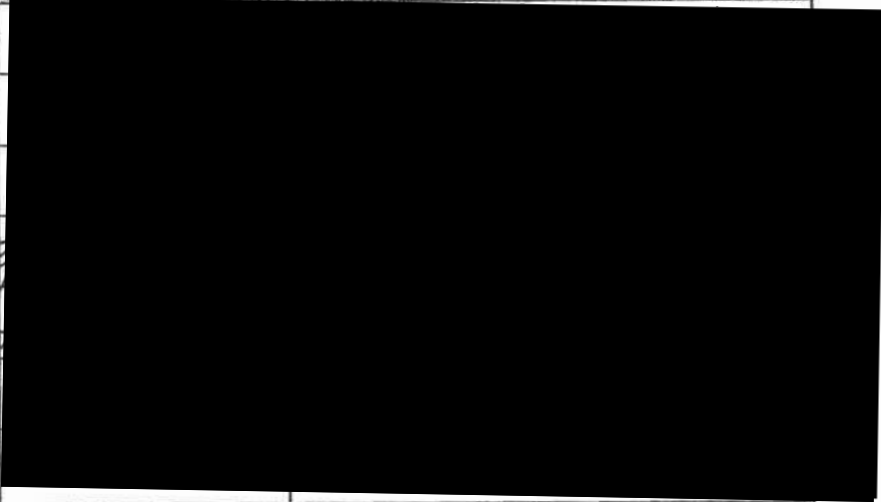
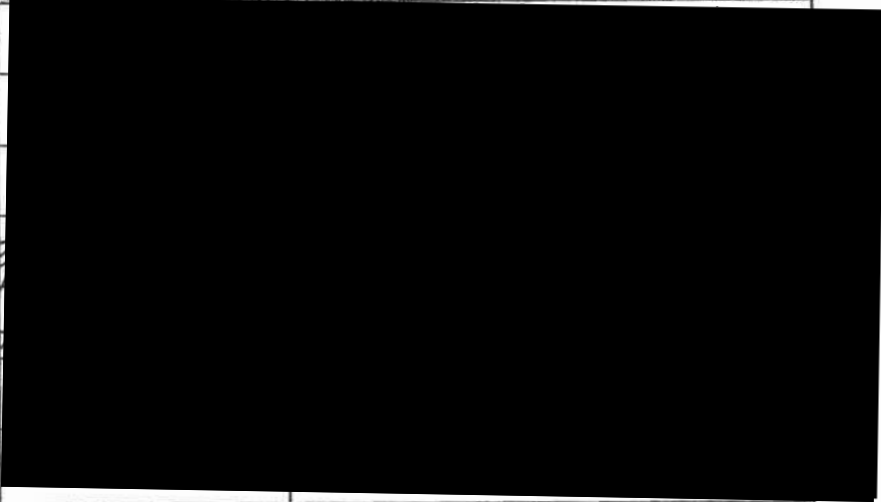
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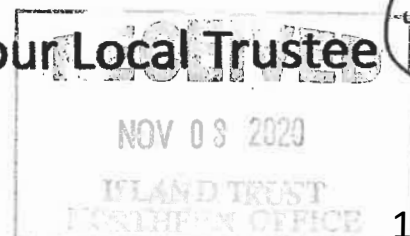
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PRINTED NAME	SIGNATURE	ADDRESS
John Howard		
CATHERINE HOWARD		
Jane Laibot		
JUDITH WACKSLE		
Lynn Nunley		
vicki BALE		

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PRINTED NAME	SIGNATURE	ADDRESS
RUDY ROGALSKY		
iam Palmer		
jennifer amsh		
JANICE RICHARDS		

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NOV 08 2019

ISLAND TRUST

NORTHERN OFFICE

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PRINTED NAME	SIGNATURE	ADDRESS
STEPAN VANCEK		

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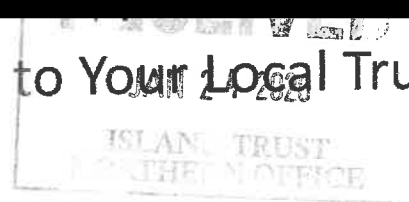
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JUR ^M WELLS		
MICHAEL THOMPSON		
RICK GRAYSON		
Ian Kennedy		
Patrick Kennedy		
Kim McMechan		
Andy Slow.		
Cassandra Bassett		

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HORNBY
ETC
UNDEEP

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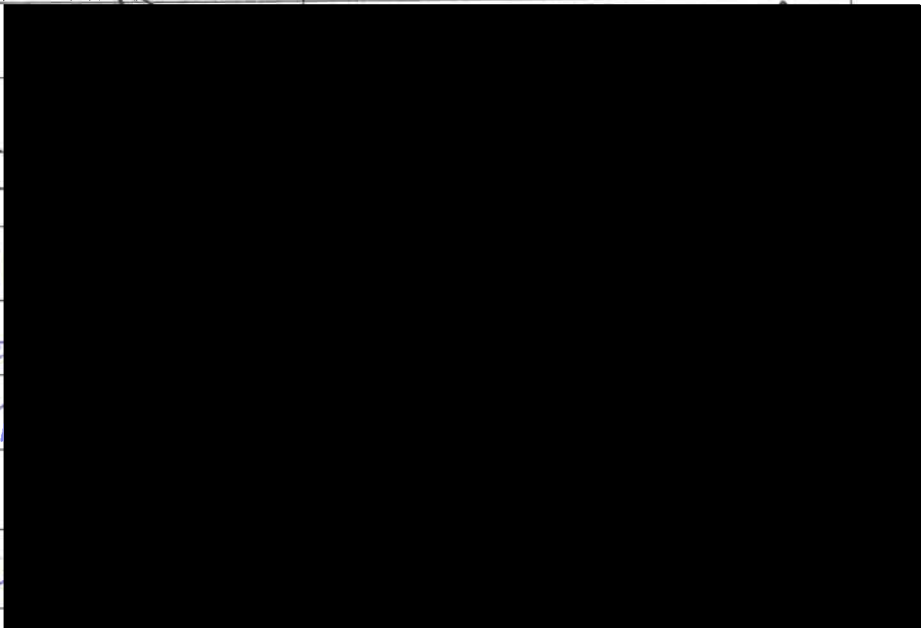
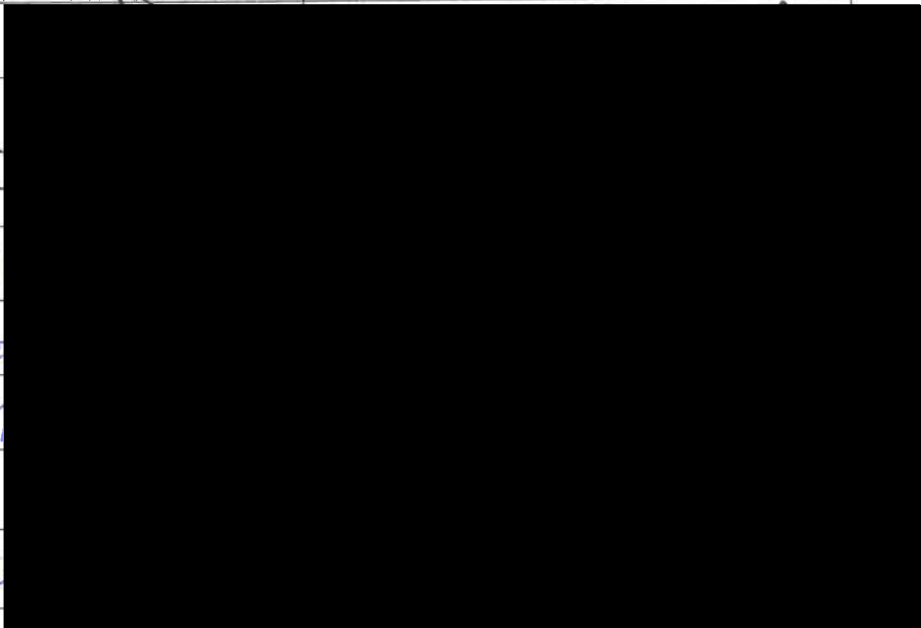
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PRINTED NAME	SIGNATURE	ADDRESS
VAND PROULX		
FRANCIKA JENXER		
Roger Jenzer		
Casey Doss		
ALASTAIR HESE		
Ann NEWIDIGAT		
Tara Channell		
LARRY LINGLE		

Please Sign and Give This Page to Your Local Trustee

9
126

**DO NOT ADOPT THE PROPOSED "MODEL STRATEGY FOR
ANTENNA SYSTEMS": CREATE AN ANTENNA SITING POLICY THAT
PRESERVES AND PROTECTS**

We, the undersigned, residents of Canada, draw the attention of the Islands Trust and our Local Trust Committees to the following:

THAT WHEREAS the telecommunications industry is preparing for 5G, moving away from macro tower installations and towards installing many small cell or microcell antennas in our public rights-of-way, and;

WHEREAS the federal government gives the public no input on the placement of small cell antennas on existing structures like utility poles on our streets, and;

WHEREAS the proposed Trust-wide *Model Strategy for Antenna Systems* now being voted on for adoption is much less protective than current individual local Trust policies now in place,

THEREFORE, we the undersigned **RESIDENTS OF CANADA** call upon **LOCAL TRUST COMMITTEES**, and the **ISLANDS TRUST** overall, to create a Trust-wide Antenna Siting Protocol that is as protective as possible, thus adhering to the Precautionary Principle as outlined in several Trust regions' official community plans.

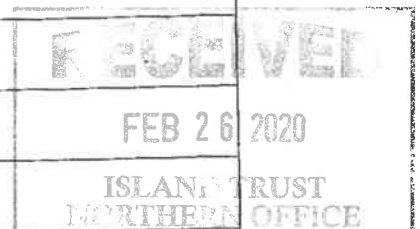
Such a policy would state that:

- Radiofrequency radiation-emitting antennas be located no closer to areas of continuous human activity than 500 metres, with the cumulative sum total of incident radiofrequency power density levels at regularly occupied buildings not to exceed 2 microwatts/cm², consistent with the Salt Spring Antenna protocol of 2011; and,
- Antennas not be placed near sensitive areas including schools, playgrounds, and day care facilities, consistent with the current 2018 Galiano Island siting protocol, and that hospitals, long-term care facilities and areas where people frequently congregate, including parks, beaches and lakes, be 1000 metres away from telecom facilities.

PRINTED NAME	SIGNATURE	ADDRESS
Ed Hoepfner		

including parks, beaches and lakes, be 1000 metres away from telecom facilities.

PRINTED NAME	SIGNATURE	ADDRESS
Yasumi Hamsby		





Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality February 2020

Islands Trust Conservancy Board News

Please join us in welcoming Trustee Donald Clarke who has been appointed to the Conservancy Board for a two-year term. Trustee Clarke brings a wealth of professional knowledge and experience from his 25 years working in over 50 First Nations communities in political advising, negotiations administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, social, economic and cultural development.

Islands Trust Conservancy Elections

Islands Trust Conservancy Board elected by acclamation the following:

Board Chair: Kate-Louise Stamford

Vice Chair: Sue Ellen Fast

ITC Representative to the Financial Planning Committee: Kate-Louise Stamford

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work the Islands Trust Conservancy (ITC). The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Salish Sea Ecosystem Conference: Chair Stamford, Trustee Fenton and Trustee Hannon, as well as some staff, will be attending the Salish Sea Ecosystem Conference in Vancouver.

Mapping and Studies: The ITC is assisting Local Planning Services with mapping contiguous forests in the Islands Trust Area. The mapping will cover the whole of the region. The ITC has also contracted research to assist with property management issues arising from climate change.

Goal 2 – Strong relationships with First Nations

Islands Trust Conservancy Board directed staff to bring the Board recommendations regarding revision of the Vision Statement to be inclusive of Indigenous Peoples.

Goal 3 – Protection of core conservation areas

Property Management

Salish View Nature Reserve Management Plan: Islands Trust Conservancy Board approved the first Salish View Nature Reserve Management Plan dated January 17, 2020.

Land Acquisition and Covenants

The ITC continues to work on seven conservation covenants and two land acquisitions. Notable updates are found below in “activities by local trust area /island municipality.”

Goal 4 – A strong voice for nature conservation

Outreach: The ITC has reached out to landowners who have contacted us in the past about land conservation via twenty-eight letters, sent to nine local trust areas. The ITC is working with Trust Area Services and Local Planning Services to conduct outreach regarding mature and old forests and their importance and expects to send outreach letters to focus landowners in March 2020.

Fund Development Plan: The ITC Board approved a fund development plan for work that is not routinely funded by Trust Council.

Activities by Local Trust Area/Island Municipality

Denman – The ITC completed three community engagement processes for nature reserves on Denman. The ITC Board consented to change the location of the proposed wildlife viewing platform at the Settlement Lands Covenant, Denman Island, from the area proposed in the Covenant Agreement to the pollinator demonstration garden.

Gambier – The ITC is reviewing a transfer agreement with the Convention of Baptist Churches for the transfer of Sandy Beach on Gambier. There are several charges on the land title that need to be resolved before the transfer.

Lasqueti – The ITC approved the first Salish View Nature Reserve Management Plan dated January 17, 2020. The Management Plan will be posted on the website at <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/>

Thetis – The ITC, in collaboration with the Thetis Island Nature Conservancy, completed trail building on Fairyslipper Forest Nature Reserve. The ITC is now working to provide a safe public access to the nature reserve.

Salt Spring – The ITC approved an Opportunity Fund Grant of \$3,500 to be awarded to the Salt Spring Island Conservancy. The ITC is continuing to negotiate a covenant for 200 Collins Road.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.2	Hoerburger Land Surveyors	12-Apr-2018	PIDs: 009-651-268, 009-651-110, 027-126-323 Creating two lots out of three for agricultural purposes. Civic addresses: 1605 Ostby Road, 4555 Fowler Road, 4755 Fowler Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 07-Mar-2019

ALC decision received - Refused

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 03-Aug-2018

LTC consideration of application

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.

Planner: Jaime Dubyna

Planning Status

Status Date: 10-Feb-2020

Revised site plan submitted for planner review and comment.

Status Date: 21-Oct-2019

No change in status.

Status Date: 15-May-2019

Applicant informed that the proposed development is within the 8 metre lot line setback, and the proposed height exceeds the maximum 8 metre height permitted in the Land Use Bylaw. Requires a DVP application, or plan revision. Planner awaiting DVP application or plan revisions.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.5	Hornby Island Resort Ltd.	20-Dec-2019	PID: 028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u> 20-Jan-2020			
Planner reviewing file.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.3	Hoerbarger Land Surveying	09-Jun-2017	PID: 027-126-323, 009-651-268, 009-651-110 Civic address: 4555 and 4755 Fowler Road, Hornby Island Consolidation of 3 lots into 2 larger lots to support agricultural operation.
Planner: Bronwyn Sawyer			
Planning Status			
<u>Status Date:</u> 01-Nov-2018			
Application transferred to Planner Sawyer.			
<u>Status Date:</u> 12-Sep-2018			
Application transferred to Planner Dubyna.			
<u>Status Date:</u> 15-Aug-2018			
On hold pending result of HO-ALR-2018.2			
File Number	Applicant Name	Date Received	Purpose
HO-DVP-2019.1	Hornby Island Resort Ltd.	20-Dec-2019	PID: 0028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u> 20-Jan-2020			
Planner reviewing file.			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.1	492458 BC LTD.	11-Feb-2020	PID: 004-701-607 Building new cabin with over height peak requiring a DVP. Civic address: 8055 Anderson Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 02-Mar-2020

File transferred from Jaime to Ian due to workload shift.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2018.1	DAVID P WISEMAN	10-Jan-2018	PID:028-737-245 Rezoning to allow for subdivision Civic address: 5020 Fowler Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 11-Mar-2020

Introductory staff report on March 20th LTC agenda

Status Date: 02-Jan-2020

Planner review - in process

Status Date: 24-Oct-2019

Fee paid (\$550).



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.1	Board of School Trustees of School District No. 71 (Comox Valley) Planner: Bronwyn Sawyer Planning Status	04-Feb-2019	PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road, Hornby Island, BC
Status Date: 01-May-2019 Under review			
Status Date: 01-May-2019 Further information requested			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.11	Savoie, Elaine & Mary Planner: Ian Cox Planning Status	05-Nov-2019	PID: 001-186-434 Building SFD. Civic address: 2555 West Carmichael Road, Hornby Island, BC.
Status Date: 18-Feb-2020 Confirmation that applicant is actively working with ALC.			
Status Date: 05-Dec-2019 Applicant may need Agricultural Land Commission Non-Adhering Residential Use (NARU) permission in relation to decommissioning of existing house. Permit on hold until further information received from ALC.			
Status Date: 20-Nov-2019 Received by staff November 19 - under review.			



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.7	Tuele, Ron	19-Jun-2019	PID: 029-365-937 Building SFD and workshop. Civic address: 3975 Slade Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 02-Dec-2019

See HO-DP-2019.4

Status Date: 01-Oct-2019

Planner review

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.1	492458 BC LTD.	11-Feb-2020	PID: 004-701-607 Building new cabin. Civic address: 8055 Anderson Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 02-Mar-2020

File transferred from Jaime to Ian due to workload shift.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.2	Bernard and Christa Weiss	21-Feb-2020	PID: 028-221-443 Civic Address: 5300 Central Road, Hornby Island, BC Purpose is to place a manufactured home on concrete pad as main residence and to construct a double-wide garage.

Planner: Ian Cox

Planning Status

Status Date: 06-Mar-2020

Permit approved and drafted. File to PTA for SUP issuance and closure.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerbuerger Land Surveying	16-Nov-2016	PIDs: 027-126-323; 009-651-110; 009-651-268. Road closure application. Subdivision to adjust lot lines to follow, via MoTI referral. Civic: 4555 and 4755 Fowler Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-Nov-2018

Application transferred to Planner Sawyer.

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending outcome of HO-ALR-2018.2 and HO-DVP-2017.3

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2018.1	McElhanney Associates Land Surveying	13-Dec-2018	PID: 026-100-932 Two lot subdivision Civic address: 3750 Euston Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-Jan-2019

Planner completed review and sent referral report to MOTI with conditions of PLA including requirement to rezone or otherwise bring property into conformity with LUB.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2020.1	Peter Mason	23-Jan-2020	PID: 001-296-043 Two lot subdivision. Civic address: 3750 Slade Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 05-Feb-2020

Under review by staff - applicant may decide to withdraw or amend application.



Applications

Subdivision

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

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.1	Hornby Island Bakery & Pizzeria	02-Jan-2020	PID: 003-869-008 Hornby Island Bakery & Pizzeria food truck and trailer on leased land. Civic address: 3005 St. John's Point Road, Hornby Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u> 05-Mar-2020			
Revised site plan for proposed septic system submitted to planner.			
<u>Status Date:</u> 25-Feb-2020			
Public notice delivered.			
<u>Status Date:</u> 12-Feb-2020			
Revised parking plan received.			

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending January 2020

635 Hornby	Invoices posted to Month ending January 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	541.00	1,113.34	-572.34
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,651.00	3,061.60	-410.60
65210-635	LTC - Local Exp - APC Meeting Expenses	411.00	301.15	109.85
65220-635	LTC - Local Exp - Communications	250.00	393.33	-143.33
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,606.00</u>	<u>3,756.08</u>	<u>-150.08</u>
Projects				
73001-635-2004	Hornby OCP/LUB	5,500.00	0.00	5,500.00
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	700.00	582.30	117.70
TOTAL Project Expenses		<u>6,200.00</u>	<u>582.30</u>	<u>5,617.70</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	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, 2020 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. • 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.	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.”

4.	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.
5.	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. • 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.
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Top Priorities Report

Hornby Island

1. Official Community Plan and Land Use Bylaw Amendments

Responsible

Dates

Bylaw amendments to address issues with respect to DPA No. 6 (RAR), the Public Use zone, MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, updates to ALR regulations, and other housekeeping amendments.

Sonja Zupanec

Rec'd: 27-Apr-2018

2. Watershed Protection and Groundwater Preservation

Responsible

Dates

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

William Shulba

Rec'd: 08-Jun-2018

3. Vacation Home Rental Community Education and Bylaw Compliance Campaign

Responsible

Dates

Implement the Project Charter for the education and compliance campaign.

Rec'd: 27-Apr-2018

Target: 01-Jan-2019

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

From: Langman, Bradley <Bradley.Langman@dfo-mpo.gc.ca>

Sent: Wednesday, January 29, 2020 10:12 AM

To: Conservancy Hornby Island <chihornby@gmail.com>; dorrancewoodward@gmail.com; cgray@telus.net; lizij@telus.net; gscott@telus.net; locky@seashepherd.org; ian@pacificwild.org; Clare Frater <cfrater@islandstrust.bc.ca>; Dilani Hippola <dhippola@islandstrust.bc.ca>; Peter Luckham <pluckham@islandstrust.bc.ca>; Hall, Peter <Peter.Hall@dfo-mpo.gc.ca>; Meldrum, James <James.Meldrum@dfo-mpo.gc.ca>; Spence, Brenda <Brenda.Spence@dfo-mpo.gc.ca>; Postlethwaite, Victoria <Victoria.Postlethwaite@dfo-mpo.gc.ca>

Subject: 2019/2020 Pacific Herring IFMP Approval

Dear Islands Trust, Conservancy Hornby Island, Sea Shepherd, and Pacific Wild,

Attached is the approved Pacific Herring Integrated Fisheries Management Plan (IFMP) for 2019/20, which was circulated for review from December 18, 2019 to January 17, 2020. Thank you for submitting your comments and recommendations for the plan during that period; we received a large number of comments, including from First Nations and First Nations organizations, commercial and recreational harvesters and industry organizations, and members of the public.

As outlined in the IFMP, the Strait of Georgia area will be open to Roe, Food & Bait, and Special Use commercial fisheries at a harvest rate of 20%. The Central Coast area will be open to Spawn-on-Kelp commercial fisheries only, at a 5.2% harvest rate. The Prince Rupert District, Haida Gwaii, and West Coast Vancouver Island will be closed this season to commercial fisheries.

Commercial harvesters participating in the roe herring fishery will also have the option of participating in a Gear Selection Trial. The Gear Selection Trial program allows licence holders to select their licence to be fished by either a seine gear or gillnet gear pool, regardless of the original gear type. This means that seine and gillnet licences could have a combination of quotas that come from seine or gillnet licences, but are fished by just one of the gear types. The selection into a gear would be one way only (not revisable prior to or in season) but would be for the 2020 season only and not carry over to subsequent seasons. More detail on this can be found in a fishery notice here: https://notices.dfo-mpo.gc.ca/fns-sap/index-eng.cfm?pg=view_notice&DOC_ID=229131&ID=all

If you have any questions or concerns, please do not hesitate to contact me anytime.

Yours sincerely,

Brad Langman
for
Victoria

Victoria Postlethwaite, MRM

Regional Herring Officer / Agent Régional du Hareng
Fisheries and Aquaculture Management / Gestion des pêches et de l'aquaculture
Fisheries and Oceans Canada / Pêches et Océans Canada
Victoria.Postlethwaite@dfo-mpo.gc.ca
Tel. / Tél.: 604-666-7851; Cell. / Tél cell.: 604-345-6850





JAN 28 2020

Mr. Peter Luckham
Chair
Islands Trust Council
200-1627 Fort Street
Victoria BC V8R 1H8

Dear Mr. Luckham:

Thank you for your correspondence of December 9, 2019, regarding shellfish aquaculture in Baynes Sound.

Fisheries and Oceans Canada (DFO) shares your concerns about debris in the marine environment and about the issue of plastic gear being lost by the shellfish industry and washing up on beaches.

For the past two years, DFO has conducted compliance monitoring and follow-up with several licence holders in Baynes Sound who have been found to have violations of conditions of licence. As a result of inspections carried out this summer by the Province of British Columbia Lands Tenure Branch, DFO's shellfish aquaculture biologist is currently working with provincial compliance partners to compel cleanup of the majority of beach tenures on the west side of Denman Island.

To address non-compliance, DFO's biologist contacts violators by letter, informing them of the requirement that they remove debris and take action to prevent further marine debris. The approach is collaborative in nature, with the biologist working with the licence holder to compel cleanup, rather than through prosecution.

In addition, DFO Conservation and Protection staff have been engaged with stakeholders, industry, First Nations, and NGOs as part of working groups, shared forums and annual beach cleanup events.

Earlier this year, the Government of Canada announced the development of a Sustainable Fisheries Solutions and Retrieval Support Contribution Program. This program will provide up to \$8.3 million to assist fish harvesters, environmental groups, Indigenous communities, the aquaculture industry, and coastal communities to find and retrieve harmful marine litter or ghost gear from the ocean, and dispose of it responsibly. The program will also support industry in acquiring new clean technologies to reduce gear loss.

A website for this funding program is anticipated to launch in early January 2020. It will include information on the program and how to apply. I have asked DFO staff in the Pacific Region to share the link with you once the website has launched.

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Canada

Please be aware that the requirement to clearly mark tenure boundaries falls under provincial jurisdiction, via the land tenure contract rules established by the Province of British Columbia and the shellfish grower. I have forwarded a copy of your letter to the Honourable Doug Donaldson, British Columbia's Minister of Forests, Lands and Natural Resource Operations and Rural Development, for his consideration.

DFO appreciates your concern for the marine environment and your dedicated work towards cleanup efforts. I assure you that the Department will continue to work with First Nations, industry, the Province of British Columbia, and stakeholders to address the issue of lost, abandoned, and discarded aquaculture gear.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Bernadette Jordan', followed by a long horizontal line.

The Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: The Honourable Doug Donaldson, M.L.A.
British Columbia's Minister of Forests, Lands, Natural Resource Operations
and Rural Development