

Regular Meeting Revised Agenda

Date: May 1, 2020
 Time: 11:30 am
 Location: Islands Trust Victoria Office Boardroom
 200-1627 Fort Street, Victoria, BC

			Pages
1.	CALL TO ORDER	11:30 AM - 11:30 AM	
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."		
2.	APPROVAL OF AGENDA		
3.	REPORTS	11:30 AM - 11:40 AM	
3.1	Trustee Reports		
3.2	Chair's Report		
3.3	Electoral Area Director's Report		
4.	MINUTES	11:40 AM - 11:45 AM	
4.1	Local Trust Committee Minutes - none		
4.2	Section 26 Resolutions-without-meeting Report dated April 24, 2020		4 - 5
4.3	Advisory Planning Commission Minutes - none		
5.	BUSINESS ARISING FROM MINUTES	11:45 AM - 12:00 PM	
5.1	Follow-up Action List Report dated April 23, 2020		6 - 8
6.	APPLICATIONS AND REFERRALS	12:00 PM - 12:20 PM	
6.1	HO-RZ-2018.1 (Wiseman) - Staff Report - for decision		9 - 64

----- BREAK 12:20 PM TO 12:30 PM -----

7.	LOCAL TRUST COMMITTEE PROJECTS	12:30 PM - 1:00 PM	
7.1	Official Community Plan/Land Use Bylaw Amendments Project - Staff Report - for decision		65 - 70
7.1.1	<u>R3A Zoning - regarding changing the zone at 5040 Central Rd - Staff Report - for decision</u>		71 - 74
7.1.2	<u>Official Community Plan (OCP) Wording regarding Hornby Island Housing Society (HIHS) - for discussion</u>		
8.	CORRESPONDENCE	1:00 PM - 1:10 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
8.1	Petition regarding Model Strategy for Antenna Systems		75 - 85
8.2	Email dated April 22, 2020 from J and C Howard regarding visitors to Hornby Island and COVID-19 concerns		86 - 86
8.3	Letter dated April 23, 2020 from Tony Law regarding Hornby Housing Society - Beulah Creek Community Housing		87 - 94
8.4	Letter dated April 23, 2020 from Makoa Development Services regarding Hornby Island Housing Society - Beulah Creek Zoning and Official Community Plan (OCP) amendment		95 - 128
8.5	Letter dated April 26, 2020 from M. Burrows and D. Gutstein regarding subdivision application		129 - 130
9.	NEW BUSINESS	1:10 PM - 1:20 PM	
9.1	K'omoks First Nation		
9.1.1	<u>Information Session held January 29, 2020 on Local Government Authorities in the Estuary - verbal update</u>		
9.1.2	<u>Upcoming Annual Meeting with Hornby and Denman Island Local Trust Committees - verbal update</u>		
9.2	Advertising Local Trust Committee Meetings - for discussion		
10.	REPORTS	1:20 PM - 1:30 PM	
10.1	Trust Conservancy Report dated February, 2020		131 - 132
10.2	Applications Report dated April 23, 2020		133 - 142
10.3	Trustee and Local Expense Report dated February, 2020		143 - 143
10.4	Adopted Policies and Standing Resolutions		144 - 147
10.5	Local Trust Committee Webpage		

11. WORK PROGRAM 1:30 PM - 1:50 PM
- 11.1 Top Priorities Report dated April 23, 2020 148 - 148
- 11.2 Projects List Report dated April 23, 2020 149 - 150
12. CLOSED MEETING - none
13. INFORMATION ITEMS 1:50 PM - 2:05 PM
- 13.1 Email dated January 29, 2020 to Islands Trust regarding Department of Fisheries and Oceans Canada (DFO) Pacific Herring Integrated Fisheries Management Plan
2019-2020 DFO Pacific Herring Integrated Fisheries Management Plan
- 13.2 Response Letter dated January 28, 2020 from Minister of Fisheries and Oceans and the Canadian Coast Guard regarding Shellfish Aquaculture in Baynes Sound
- 13.3 Email dated January 10, 2020 from Centre for Rural Health, University of British Columbia (UBC) Family Practise regarding health care across BC: the Rural Evidence Review Project
14. UPCOMING MEETINGS 2:05 PM - 2:10 PM
- 14.1 Next Regular Meeting Scheduled for Friday, June 26, 2020 at 11:30 am at - Location to be determined
15. ADJOURNMENT 2:10 PM - 2:10 PM

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2020-010 "That the Hornby Island Local Trust Committee change the physical location of the May 1, 2020 meeting to the Islands Trust Victoria Office, 200-1627 Fort Street."	In Favour	24-Apr-2020
2020-009 "That the Hornby Island Local Trust Committee waive the restrictions in section 42 and 43 of the Hornby Island Meeting Procedure Bylaw No. 160, as shown below, for the regular meeting of May 1, 2020: 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 nor more than three regular meetings in any calendar year. 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."	In Favour	22-Apr-2020
2020-008 "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."	In Favour	22-Apr-2020
2020-007 "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."	In Favour	22-Apr-2020
2020-006 "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."	In Favour	20-Apr-2020

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2020-005 "That the Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", be adopted."	In Favour	17-Apr-2020
2020-004 "That the Hornby Island local Trust Committee adopt the Local Trust Committee minutes dated January 24, 2020."	In Favour	17-Apr-2020
2020-003 "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."	In Favour	26-Mar-2020
2020-002 'That given concerns about the COVID 19 virus, the Hornby Island Local Trust Committee meeting scheduled for Friday, March 20, 2020 , be cancelled.'	In Favour	17-Mar-2020
2020-001 "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."	In Favour	18-Feb-2020

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. <i>Update: No suitable venue available for Planner Hours prior to March 20th meeting so advertising for Planner Hours at New Horizons will begin prior to May 1st meeting.</i>	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

Follow Up Action Report

Hornby Island

24-Jan-2020

Activity	Responsibility	Dates	Status
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
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 To be rescheduled due to COVID-19 and Public gatherings.	Becky McErlean Sonja Zupanec		In Progress
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		Completed
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

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.

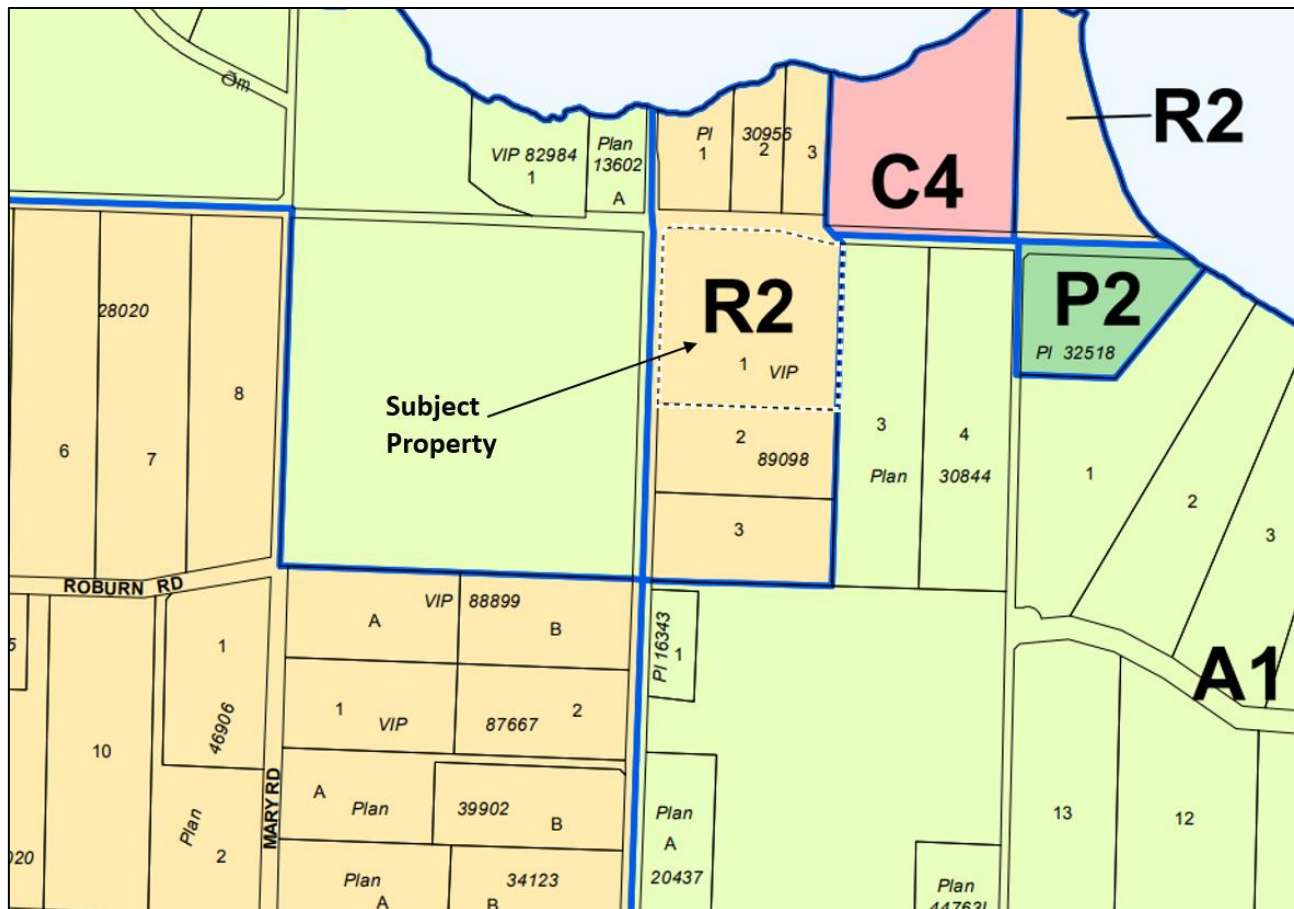


Figure 1: Zoning map for Ostby Road/Fowler Road area

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.

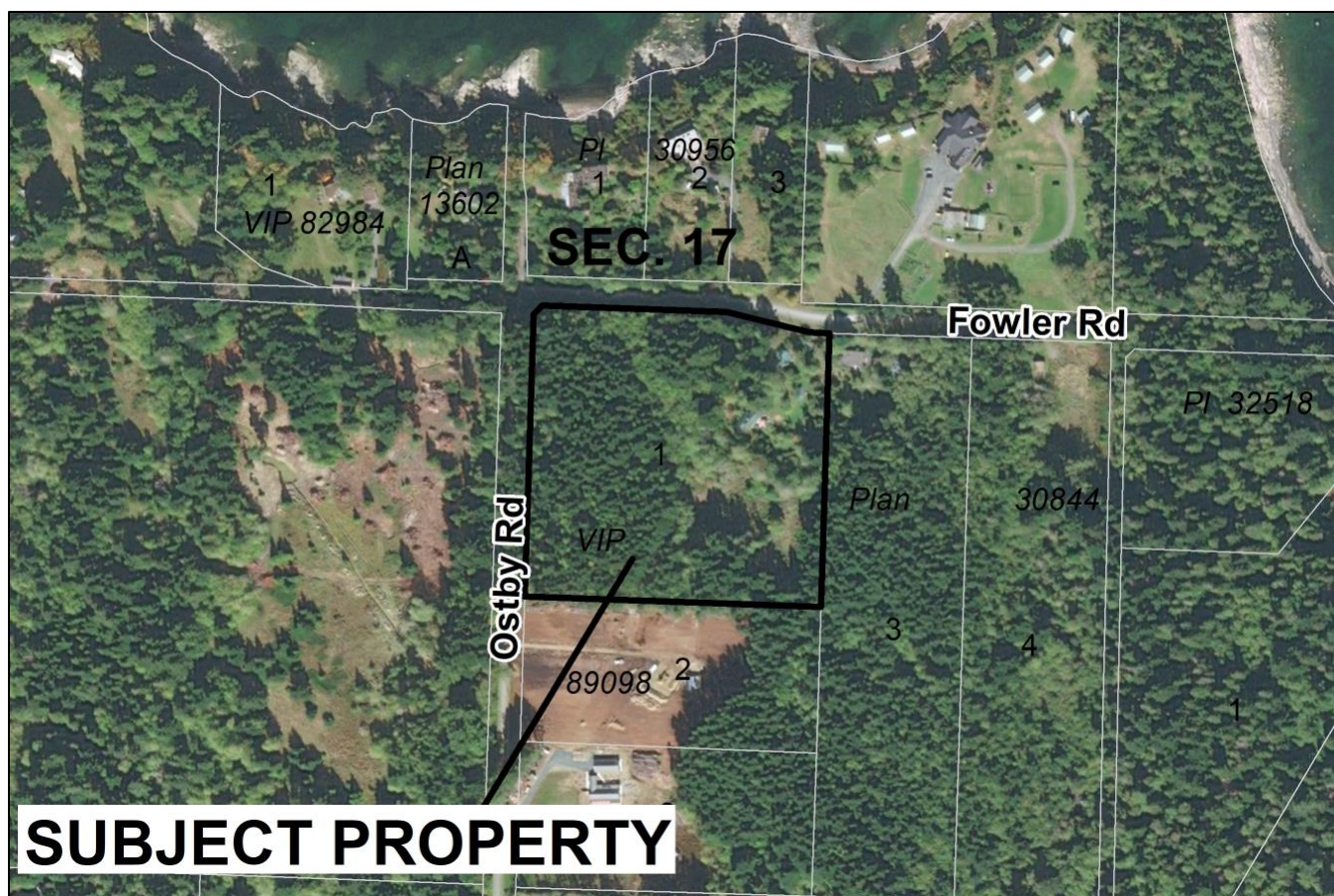


Figure 2: Orthophoto of Subject Property

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.

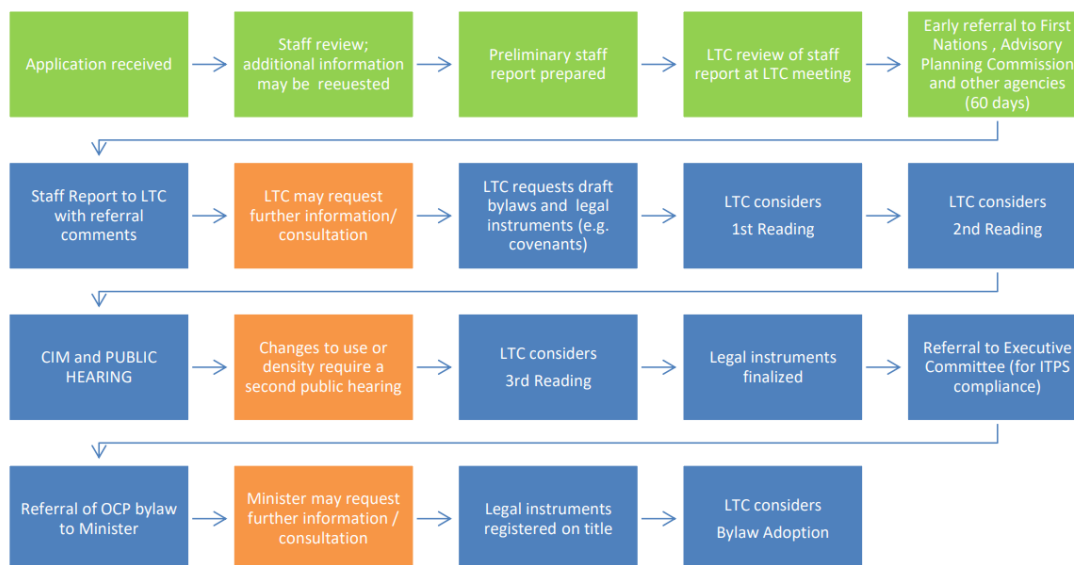
It is worth noting that the lots located immediately to the south on Ostby Road are also shown in the OCP mapping as being partially covered by wetland. After subdivision, the lots were partially logged (see photo 1 in Attachment 7 and Figure 2 above) and the wetland area was potentially impacted; the 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,

Proposed subdivision of Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098
by David Paul Wiseman

Drawn: March 3, 2016

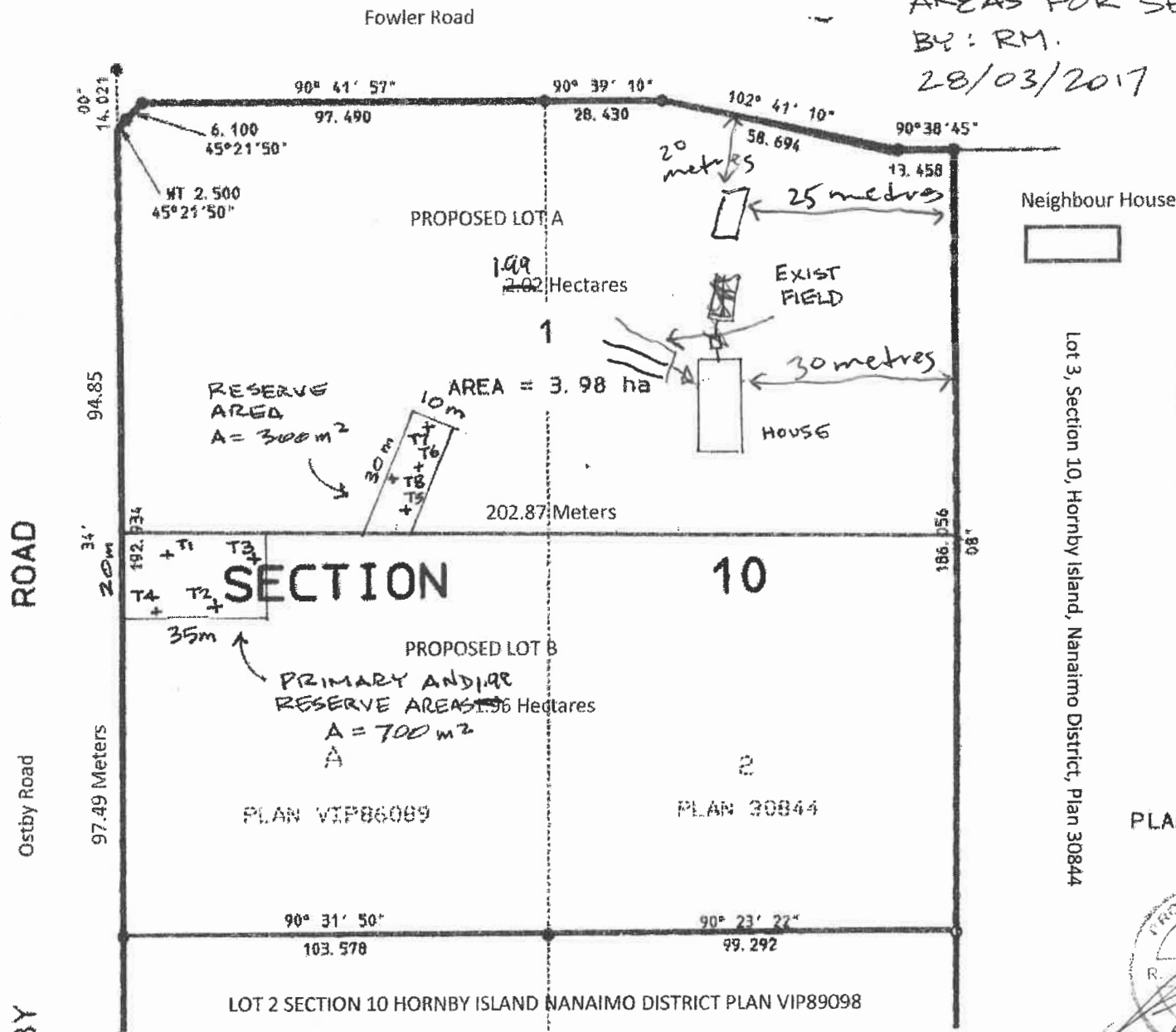
PROPOSED DISPERSAL
AREAS FOR SEPTIC.

BY: RM.

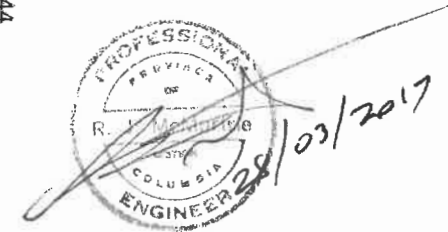
28/03/2017

Scale
1 cm = 14.5 Meters

Note:
Hydro exists Osby &
Fowler Roads



PLAN



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

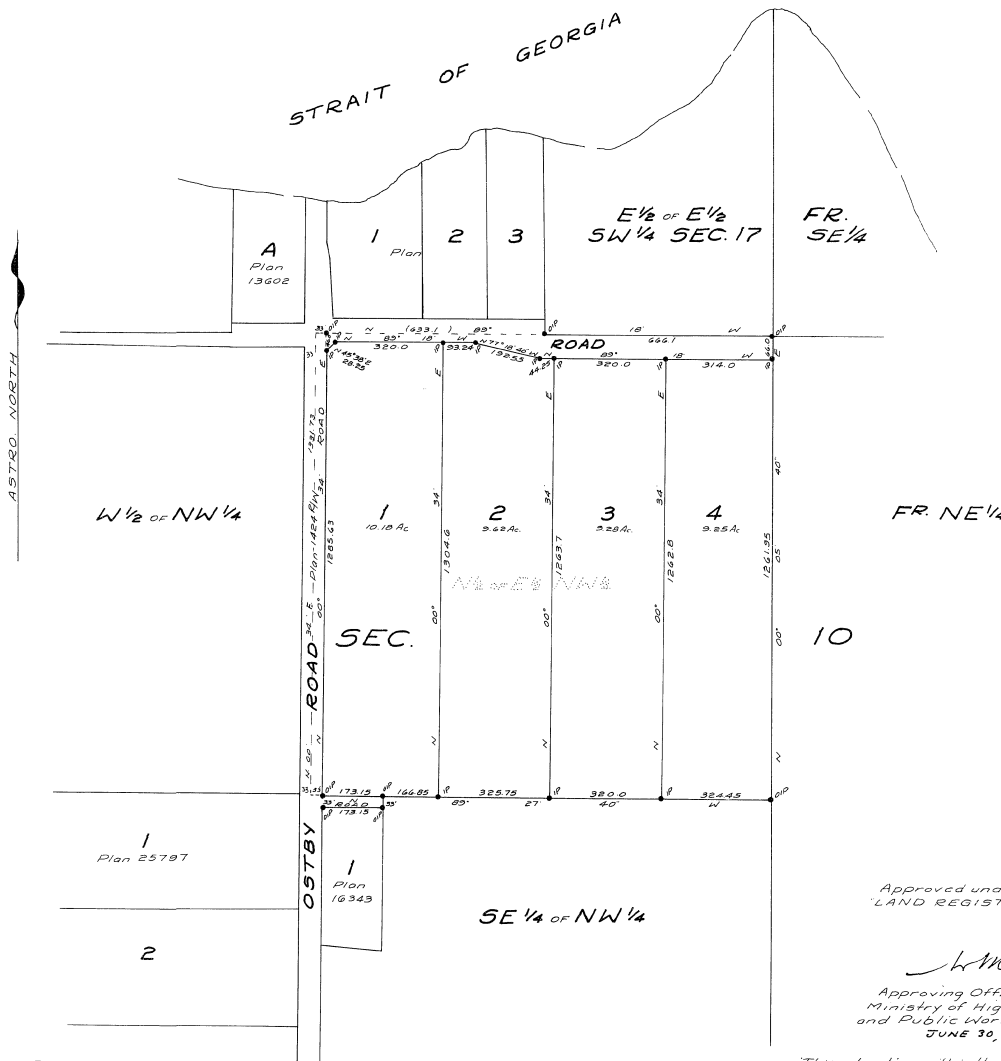
Deposited in the LAND REGISTRY
OFFICE of Victoria, B.C. this 26th day
of July 1977

Scale: 1 inch = 200 Feet

Bearings from Plan 1484 R/W

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

ASST. DEPUTY Registrar



Approved under the
"LAND REGISTRY ACT"

K. Munn

Approving Officer
Ministry of Highways
and Public Works
JUNE 30, 1977.

"This plan lies within the Regional
District of Comox-Strathcona."

Owner:

Sea Breeze Lodge Ltd.

R. S. S. S.
Director

Mortgagees:

W. H. Fowler
William Hope Fowler

E. V. Fowler
Evelyn Vergie Fowler

Witness as to both signatures.

G. G. H. Wagner

Address: Courtenay, B.C.

Occupation: Surveyor

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. G. H. Wagner BCLS

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

R. R. R.

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

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

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

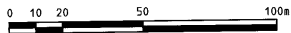
PLAN VIP **89098**

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

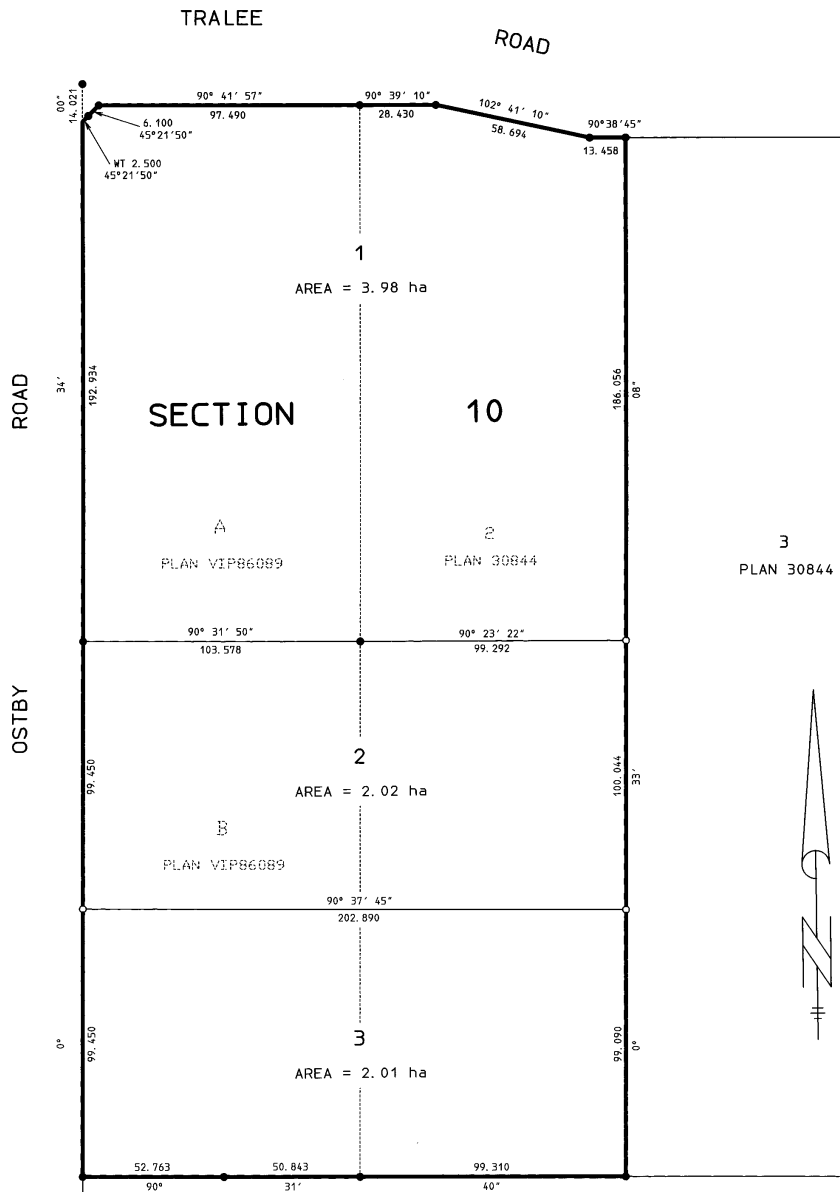
APPROVED UNDER THE LAND TITLE ACT
DATED THIS 30 DAY OF August, 2011.

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.



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

HOERBURGER LAND SURVEYORS
COMOX, B. C.
(250) 890-0100
FILE: 13755U2/132.27 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: <u>\$4,400 -</u>	OFFICE USE ONLY Receipt No: <u>3606</u>	File No: <u>H0-RZ-2018-1</u>
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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 i.e. 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

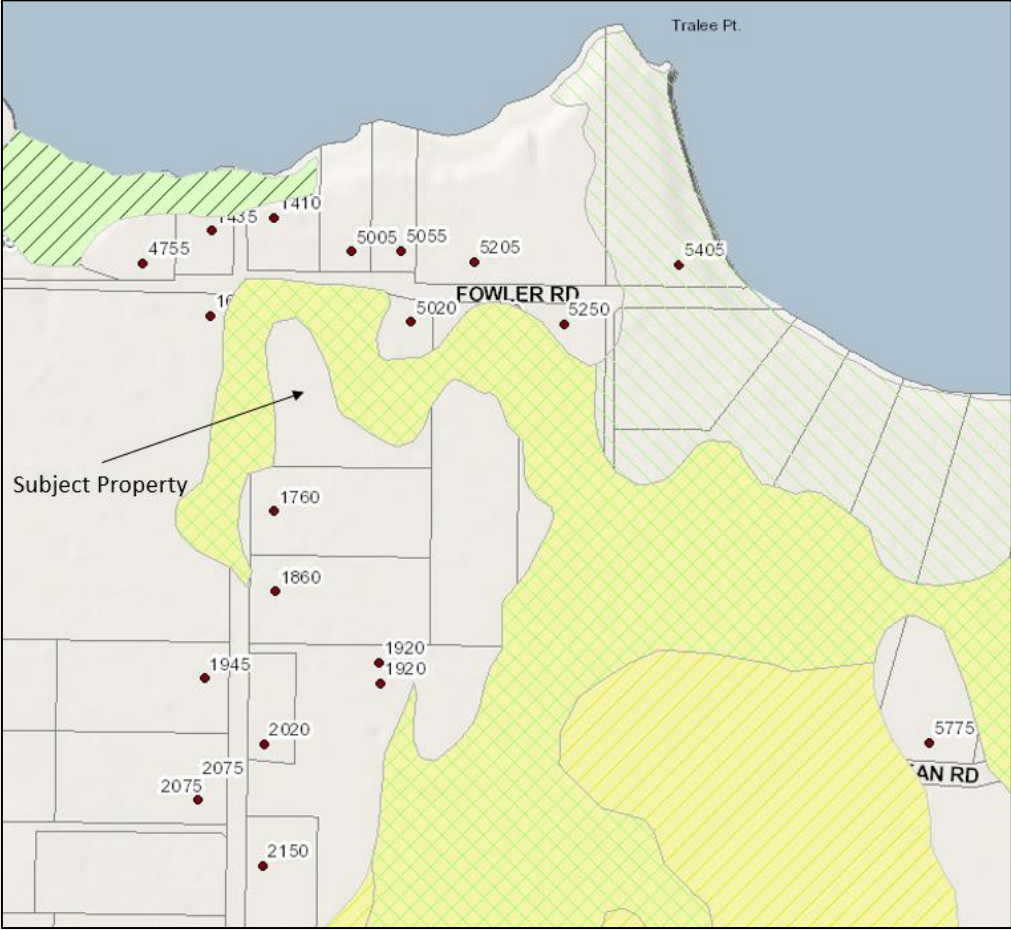
POLICY/REGULATORY

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

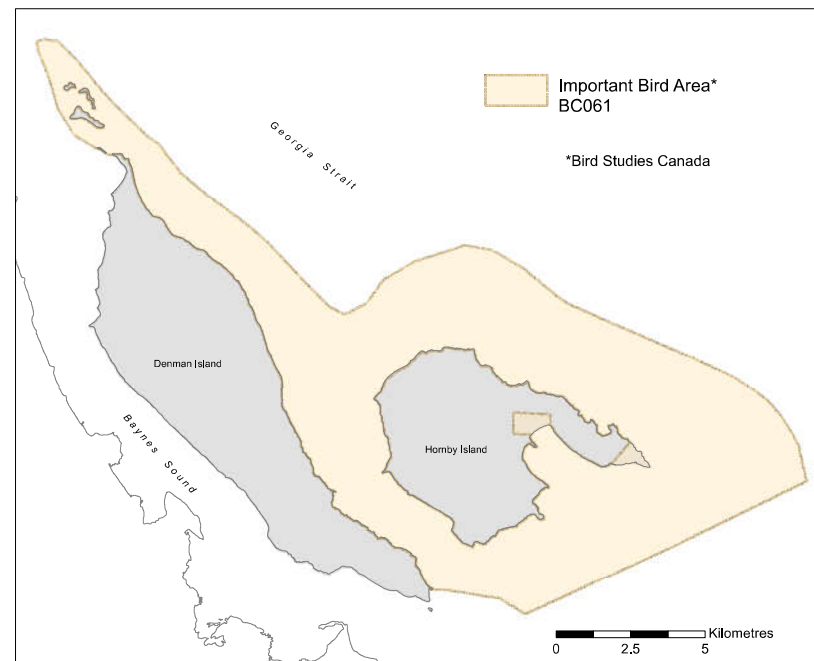
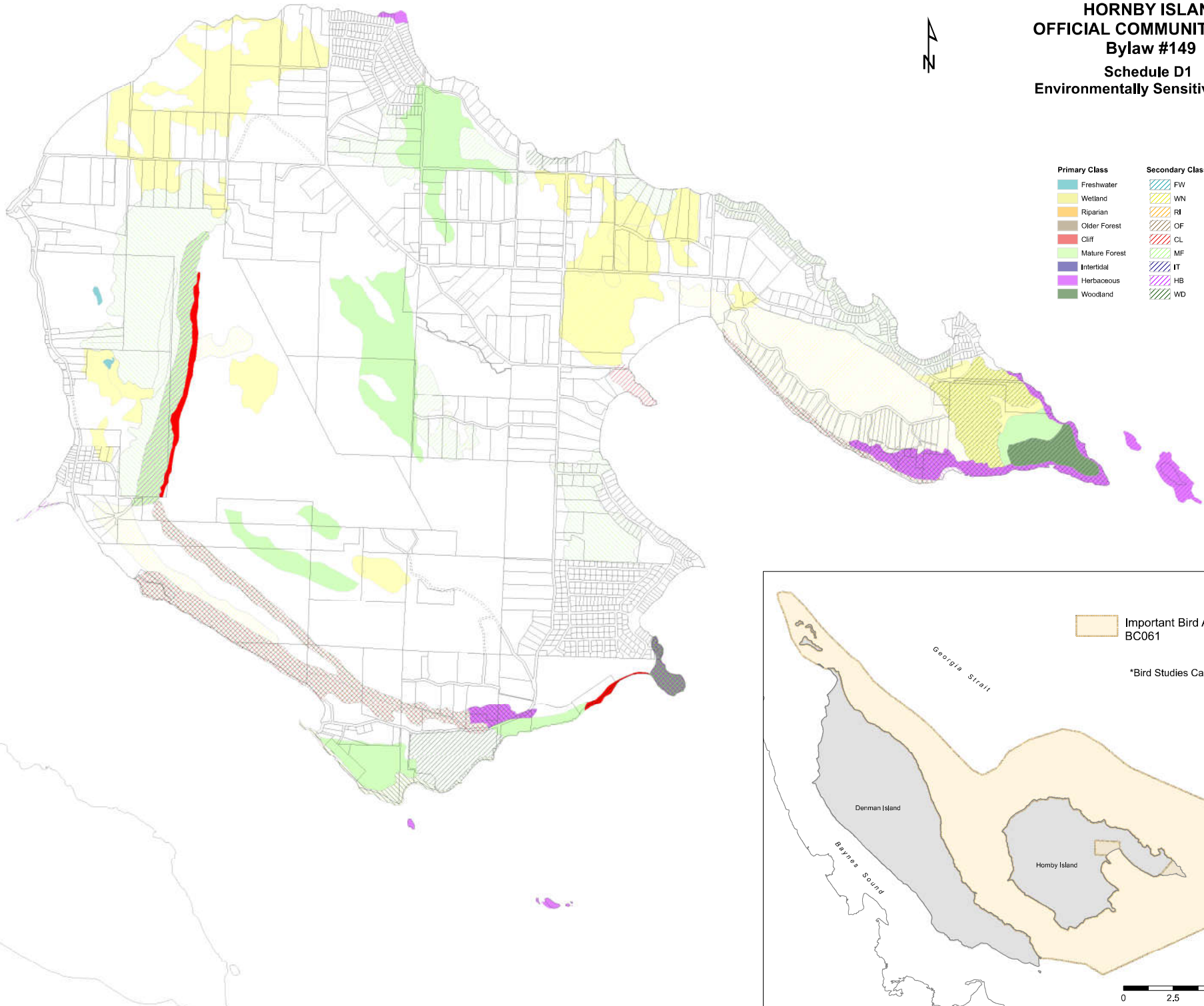




Photo 1:
Along south lot line (subject lot to left)



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

File No.: 6500-20
HO 2018 OCP-LUB
Amendments

DATE OF MEETING: May 1, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Report subject: OCP - LUB Review Project Scope

RECOMMENDATION

1. That the Hornby Island Local Trust Committee Top Priority 1 item be replaced with “Consideration of a rezone of 5040 Central Road to R3A.”

REPORT SUMMARY

The purpose of this report is to review the scope of the Hornby Island Local Trust Committee Top Priority 1 project and make recommendations for amendments.

BACKGROUND

At their January 24, 2020 LTC meeting, the Hornby Island Local Trust Committee passed the following resolution:

2020-017 *that the Hornby Island Local Trust Committee request staff bring back a review of Top Priority No. 1 with recommendations for a revised Project Charter.*

OCP-LUB Review Project Scope

The end result of the OCP-LUB review has been assumed by staff to be the adoption of two amendment bylaws: one for the OCP and one for the LUB. An amendment bylaw can theoretically cover a variety of topics; they can be expansive or narrow in scope. The work plan and public consultation associated with these bylaws depends largely on the number of topics that each of the bylaws addresses. The more topics involved, the longer the project will take.

Currently, the Scope of Phase 2 of the OCP-LUB review project includes multiple topic areas to be addressed and is therefore relatively large in scale. These topic areas could be considered individual projects as each topic area requires research and bylaw updates specific to that topic area. The topic areas contemplated by the OCP Project Charter to be included in Phase 2 of the Project are:

Topic area	Represented in Project Charter as:
Zoning of 5040 Central Road (aka ISLA or Hornby Island Housing Society (HIHS)) to R3A	“Map amendments”
Minimum average lot area for the R2 zone	“LUB technical amendments may include Minimum average lot area for the R2 zone”

OCP Consistency with ALR regulations	"Update relevant ALR regulations"
Beulah Creek Setbacks	"LUB technical amendments may include Beulah Creek housing site map review"
Cannabis Production and sales	"Regulations for Cannabis Regulation and Sales"

LPS Review Impact to Project Timelines

At the March, 2020 Trust Council meeting held on Salt Spring Island, the Trust Council was presented a report by Planning Services Director David Marlor in regards to the Local Planning Services 2018 Review Implementation. In that report, Director Marlor notes that:

Management plans to reorganize local planning services into a Policy Planning Team consisting of three planners, and a Current Planning Team consisting of 10 planners and one planning technician.

The Policy Planning Team would take on the strategic plan work items assigned to the Local Planning Committee, and the review of official community plans/land use bylaws.

In consideration of this reorganization plan and the current scope of the Hornby OCP project, staff anticipates that the project would be assigned to the new Policy Planning Team.

Due to the COVID pandemic and staff leave, the formation of the Policy Planning team has been delayed from the original anticipated formation date. At this point the exact date of formation is unknown. Part of this formation includes dedicating an existing Island Planner from each Islands Trust region to the Policy Planning Team. The Island Planner would no longer coordinate LTC meetings or work on small scale LTC projects. Therefore, LTC meeting management would be reassigned to other northern team staff in addition to their existing duties.

With all of this in mind, staff anticipates that if the LTC chooses to move the OCP project forward as defined by the currently endorsed charter, work would not begin on the project for several months.

Other staffing issues to consider for the northern office include one planner's current extended medical leave and reduced hours for another planner due to the COVID pandemic. The impact of this situation leads staff to anticipate that if certain topic areas of the project were left with the northern team, they would need to be addressed one at a time. For instance, northern team staff would be able to work on the HIHS project or cannabis regulations, but not both at the same time.

Options

1. The LTC has the option of keeping the existing Project Charter in its current form. As stated above, this choice would result in the project as a whole being shifted to the Policy Planning team once it is formed. No work would be done on the project in the meantime. If this is the chosen option, the LTC could pass a resolution requesting that staff forward the Project Charter to the Policy Planning Team once it is formed. A resolution to this effect is listed in the Alternatives section of this report below.

2. The LTC has the option of splitting up the project into individual, smaller-scale projects, and prioritizing the order of review. This would allow for staff work on one of the topic areas to continue immediately. The individual projects are anticipated to be:

Potential Project	Rationale
1. HIHS Zoning: 1 LUB amendment bylaw that applies R3A zoning to the HIHS property at 3040 Central Road	Staff is recommending that this project replace the OCP/LUB Review project as a Top Priority as grant funding is dependent on its completion.
2. Minimum Average Lot Area: 1 OCP bylaw and 1 LUB bylaw that address Minimum Average Lot Size for Rural lots and R2 zoning	Currently there are inconsistencies between the OCP and LUB regarding this topic; development applications are being held up because of the ambiguity of the language and these provisions are difficult to administer for staff due to the ambiguity. Staff is recommending that this project be given high priority.
3. Cannabis regulations: 1 LUB bylaw that adopts cannabis regulations	There may be some value in specifying and distinguishing regulations related to cannabis, especially since the LUB must be consistent with ALR regulations regarding cannabis production
4. RAR setbacks: 1 OCP bylaw and 1 LUB bylaw that address RAR setbacks	There seems to be some question as to whether the RAR regulations are internally consistent or consistent with Provincial regulations. Staff could explore this topic and make recommendations as to whether amendments to the bylaws are warranted.
5. Consistency with ALR regulations	Staff don't recommend including this as a separate project as consistency with ALR regulations occurs in an on-going manner with other, relevant updates.

If the LTC agrees that the above table represents their preference for project split and prioritization, then the recommended resolution on page one of this report reflects this choice and the staff report titled "Consideration of R3A zoning for 5040 Central Road," dated April 22, 2019 should be considered. Alternatives to this recommendation are listed in the Alternatives section of this report below.

Top Priorities

Currently, the Top Priority Projects identified by the LTC are:

Priority 1: Official Community Plan and Land Use Bylaw Amendments (including all the above topic areas);

Priority 2: Watershed Protection and Groundwater Preservation; and

Priority 3: Vacation Home Rental Community Education and Bylaw Compliance Campaign

If the LTC decides to split up the OCP topic areas into smaller scale projects, the top priority projects list should be amended. Staff are recommending that the HIHS rezone project be identified as Top Priority 1.

At their March 10, 2020 Trust Council meeting, Trust Council approved funding for a permanent Freshwater Specialist position, \$4,000 for a Regional Freshwater Strategy, and \$50,000 to map and develop a water budget. Staff believes that the Hornby LTC Priority Project 2 might be addressed by these new budget line items. If in which case, the LTC might consider replacing it with a project that addresses one of the other topic areas anticipated by the OCP project. Staff will be able to update the LTC on this project at a future LTC meeting.

Rationale for Recommendation

Staff is recommending that the Hornby OCP-LUB amendment project be split into individual, smaller-scale projects and that the HIHS project replace the OCP-LUB amendment review project as priority 1 on the Top Priorities list. This would take advantage of the momentum created by community discussion and work that staff have focused on thus far. It also takes into account the staffing challenges that Islands Trust is currently experiencing.

ALTERNATIVES

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

1. Retain currently endorsed Project Charter

The LTC may wish to retain the current scope of the project and forward the Project Charter to the Policy Planning Team once it is formed. In this case the recommended resolution could be:

“That the Hornby Island Local Trust Committee request staff forward the OCP Project Charter v. 2.2, dated September 13, 2019, as amended, to the Director of Local Planning Services for assignment to the Policy Planning Team.”

2. Replace Top Priority 1 with a project other than the rezone of 5040 Central Road

If the LTCs preference is to replace the OCP-LUB amendments Top Priority Project with a project other than the rezone of 5040 Central Road, the LTC should decide which project that would be. The resolution would be as follows:

“That the Hornby Island Local Trust Committee Top Priorities List Item 1 be replaced with [name of project].”

3. Ask for more information

Alternatively the LTC could ask staff to report back with more detailed information on one or more of the above options prior to finalizing the project scope.

NEXT STEPS

Subject to concurrence with the staff recommendation, staff would prepare a project charter and draft bylaw for a rezone of 5040 Central Road for LTC consideration at a future meeting. Staff would also prepare a report related

to Top Priority 2 and make recommendations regarding the Hornby Island Local Trust Committee Top Priorities and Project lists.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	April 22, 2020
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ATTACHMENTS

1. Currently endorsed OCP/LUB Review Project Charter v. 2.2

Purpose To resolve technical issues with the Hornby Island Official Community Plan (OCP) No. 149 and the Hornby Island Land Use Bylaw (LUB) No. 150, and to update relevant sections of the OCP and LUB related to cannabis production and sales and in accordance with recent amendments to Agricultural Land Reserve (ALR) policies and regulations.

Background Since adoption of the OCP and LUB in 2016, a number of technical issues have been discovered in the bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences such as reduced development potential. As well, the Province has recently adopted amendments to the *Agricultural Land Commission Act* and ALR Use Regulation in relation to cannabis production, secondary residences, total floor area of principal residences, “agri-tourism” and “tourist” accommodation, and soil or fill regulations.

- Phase 1 Objectives**
 - To identify and resolve typographical errors within the LUB and OCP
 - To identify and resolve outdated legislation titles and citations, and outdated language within the OCP and LUB
- Phase 2 Objectives**
 - To identify and resolve technical issues that may or may not require OCP amendments
 - To identify and resolve major issues that may affect development potential and likely require OCP amendments
 - Update the OCP and LUB to be consistent with provincial government legislation

- Out of Scope**
 - Bylaw amendments not related to identified technical issues or to recently adopted provincial government legislation

- Phase 1 In Scope**
 - Staff technical review of bylaws
 - “Housekeeping” amendments to OCP and LUB
 - Adoption of “new” base bylaws
- Phase 2 In Scope**
 - Research into bylaw development history
 - LUB technical amendments may include, but are not limited to:
 - Beulah Creek housing site map review
 - Min. average lot area for the R2 zone
 - Map amendments
 - Regulations for Cannabis Production and Sales
 - Update relevant ALR regulations
 - OCP amendments
 - Community consultation and APC referrals
 - Legislative review, referrals, and bylaw adoption

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of revised project charter v. 2	April 5, 2019 <i>(complete)</i>
Planner presentation on technical review and issues analysis of OCP and LUB; LTC consideration of technical review and issues analysis and “phased” project	July 5, 2019 <i>(complete)</i>
Phase 1: Development of draft “housekeeping” bylaws	Summer 2019 <i>(complete)</i>
Phase 1: Draft bylaws presented to LTC for review	Fall 2019 <i>(complete)</i>
Phase 1: Legislative process for proposed bylaws	Winter 2019/2020
Phase 1: Adoption of proposed bylaws	Winter/Spring 2020
Phase 2: LTC endorsement of revised project charter for Phase 2	Winter/Spring 2020
Phase 2: Development of draft bylaws, referrals and community engagement	Spring/Summer 2020
Phase 2: Legislative process of bylaws; Adoption of proposed bylaws	Fall/Winter 2020

Project Team		Budget		
Island Planner	Project Manager	Budget Source: Hornby Island LTC Bylaw Amendments		
Regional Planning Manager /Planner 2	Project Support			
RPM Approval: Ann Kjerulf Date: July 20, 2018; March 28, 2019; June 24, 2019	LTC Endorsements: Resolution #: HO-2018-040; HO-2019-027; HO-2019-059; 2019-077	Fiscal	Item	Cost
		2019-2020	Legal review of draft bylaw(s)	\$3,000
		2019-2020	CIM / Public Hearing	\$2,000
			Total	\$5,000

File No.: 6500-20 LTC Work Program
2018 OCP/LUB Amendments

DATE OF MEETING: May 1, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Consideration of R3A zoning for 5040 Central Road

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Land Use Bylaw that will:**
 - a. **Rezone LOT 1, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP 87990 (PID 028-221-401) from Residential 3 – Community Housing (Elder Housing) (R3) to Community Housing Zone (ISLA) (R3A) and by making such alterations to Schedule “B” of Bylaw No. 150 as are required to effect this change.**
2. **That the Hornby Island Local Trust Committee request staff to notify the Comox Valley Regional District that the Hornby Island Local Trust Committee is considering an amendment to the Land Use Bylaw, and request feedback on the proposed amendments and their involvement in the bylaw amendment process.**

REPORT SUMMARY

The purpose of this report is to provide information about R3A zoning as it relates to 5040 Central Road and options for changing the zoning of the property to R3A.

Staff recommends that the LTC request that staff proceed with draft amendments to the Hornby Island Land Use Bylaw No. 150 (LUB).

BACKGROUND

When the most current version of the Hornby Land Use Bylaw was adopted on February 12, 2016, the text of the R3A zone, also known as “Community Housing (ISLA),” was included in the language of the Land Use Bylaw. However, the adoption of the bylaw did not include a provision for applying R3A zoning to the zoning map, also known as “Schedule B” of the Land Use Bylaw. 5040 Central Road was zoned R3 (Community Housing – Elder Housing) at that time and that has been the zoning designation of the property ever since.

At the January 24, 2020 Local Trust Committee meeting, Michael McNamara appeared as a delegation for the Hornby Island Housing Society (HIHS) to speak about the zoning of 5040 Central Road. The draft minutes from that meeting indicate that:

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.

During that delegation Mr. McNamara indicated that he understood that an Islands Trust Planner had said that the lack of R3A zoning on the property was an “error.”

In the minutes of the September 28, 2018 Hornby LTC meeting, Islands Trust Planner Rittemann is quoted as having said:

... it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project.

The LTC adopted this recommendation through resolution HO-2018-059 at that September 28, 2018 meeting which stated:

that the Hornby Island Local Trust Committee request staff to amend the Project Charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map.

The minutes of the September 28, 2018 meeting do not indicate what Planner Ritteman thought the nature of the error was or how it occurred. In order to determine what the nature of this “error” might have been, or if there was, in fact, an error made, staff reviewed documents on file and then discussed the matter with Local Planning Services (LPS) Director David Marlor who was Director at the time the project was being considered.

Records show that bylaw 150 included R3A zoning as a designation to the land use bylaw text, but there was no bylaw that applied R3A zoning to the property in question. Often when the text of a zoning designation such as the R3A is adopted, the zoning map is also updated to reflect that zoning designation on particular pieces of property. In the case of R3A, this did not occur. Staff concluded that it was unclear that this was an error or whether it was intentional.

After searching the record, staff spoke with Director Marlor who indicated that this situation was intentional due to the changing nature of the intended development. The R3A zoning text was adopted but not applied to 5040 Central Road on purpose.

ANALYSIS

Given the above, it is clear that In order for R3A zoning to be applied to 5040 Central Road, a bylaw amendment to the zoning map must be initiated, reviewed and processed; also known as a rezoning. Currently the LTC has indicated that it will consider applying R3A zoning to the subject property through a bylaw amendment process during Phase 2 of its OCP-LUB review project as reflected in resolution HO-2018-059 quoted above. This assumes that Islands Trust would bear the costs of the rezoning process and not HIHS. It also assumes that the only change to the land use bylaw would be changing the zoning of 5040 Central Road from R3 to R3A.

Typically, a change in zoning is initiated by development proponents. There is an application form and fee associated with this type of application. It is unusual for an LTC to absorb the costs of rezoning individual pieces

of property that benefit only one party. However, it appears that the LTC in 2018 may have been under the impression that if there had been an error on the part of Islands Trust, it was fair to “correct” the error by taking on the cost of the rezoning. As the above analysis details, a thorough investigation of the file leads staff to believe that an error did not occur in the application of the zoning. However, the 2018 LTC agreed to initiate and bear the costs of the rezoning of the property when it passed the resolution to add the work to its OCP-LUB Review project.

Staff would normally do a substantial review of the impacts that a zoning change would have on the property itself as well as the surrounding properties. We would also consider whether or not the text of the land use bylaw would need to be changed to accommodate a proposed project on a piece of property. If the LTC moves forward with a change in zoning without thorough review of the project proposal there is a risk to the project proponents that there might be other changes that need to be made to the zoning designation, requiring another bylaw amendment process. However, at a meeting with staff on March 11, 2020, the project proponents indicated that the most recent iteration of their project was designed to meet the provisions of R3A zoning and they do not anticipate any other land use bylaw changes that would need to be made to accommodate their project. There may, however, be amendments needed to the Official Community Plan, which would require an application from them. Their project as described would also need a Development Permit.

If the rezone continues to be included in the scope of the Project Charter for the OCP/LUB review, the soonest completion date is anticipated to be summer or fall of 2022. Staff are recommending that the rezoning be treated as a separate, Top Priority project and that processing begin immediately. If the LTC chooses this option, there will be no information available from staff about any specific projects that might be anticipated on the property. The rezone would be contemplated to accommodate any project that meets the requirements of R3A zoning as it currently exists.

Alternatively, the project proponents could be asked to submit a rezoning application. The LTC can request that the Trust Council sponsor the application, essentially waiving the application fees for the project, but other expenses would be borne by the applicant. Since the application package would include drawings and narrative explaining the proposed project, the LTC would have more information to inform their decision.

Rationale for Recommendation

Staff recommend that a rezoning of 5040 Central Road be removed from the scope of the Hornby Island Local Trust Committee OCP-LUB Project and be added as a separate project to the Top Priorities List. Staff further recommend that the LTC request staff draft a bylaw that will rezone 5040 Central Road to R3A. The Hornby Island Housing Society has indicated that R3A zoning in its current iteration is the zoning needed to accommodate a project they will be proposing through future permit applications.

ALTERNATIVES

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

1. Wait to make a decision until the project proponents apply for a rezoning;

The LTC may choose to remove rezoning of 5040 Central Road from the scope of the OCP-LUB Review project and wait for an application from the proponent. A decision about sponsoring the fee could be made at time of application. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that map amendments related to 5040 Central Road be removed from the scope of the Hornby Island Local Trust Committee OCP-LUB Review Top Priority 1 project charter.

2. Ask for more 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 staff provide [specify requested information]...

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendation, staff would prepare a draft bylaw for a rezone of 5040 Central Road for LTC consideration at a future meeting.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	April 22, 2020
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ATTACHMENTS

1. N/A

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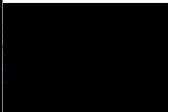
WHEREAS the federal government gives the public no input on the placement of small cell antennas on existing structures like utility poles on our streets, and;

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
Linda Lake		
MARY CELESTINE		
Helen Grond		
TERRY BOBIE		
BONNIE INGLIS		

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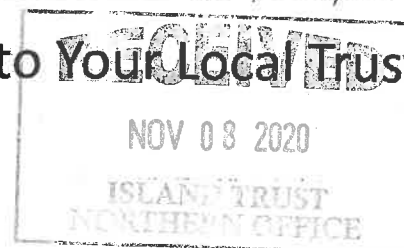
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Annanda Zielinski		
Pon Zielinski		
Dina Zielinski		
Robert Hill		
Tan Kennedy		
Gary Burtinsky		
Christiane Brown		
Sarah Chas		

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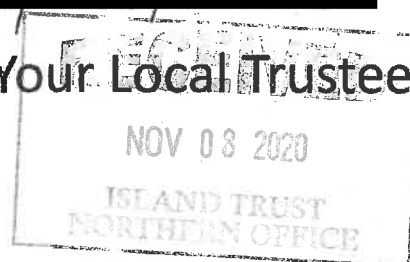
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Ian Palmer		
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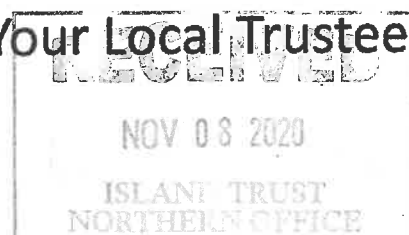
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LOUISE WALTERS		
Elspeth Armstrong		
ELANOR LARSEN		
Alison Brink		
Carol Jones		
SHARON ROGALSKY		

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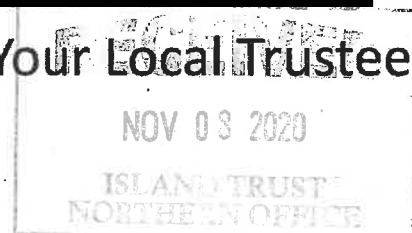
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Joan Anderson		
TOM KNOTT		
Tara Channell		
Patricia Kennedy		
Rex Brown		
Caroline Mazur		
Judith Welton		
Jo Lechay		

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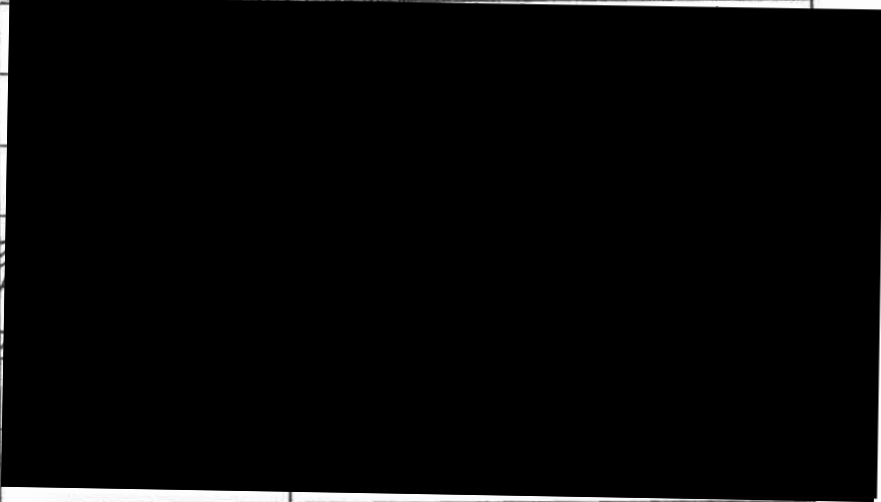
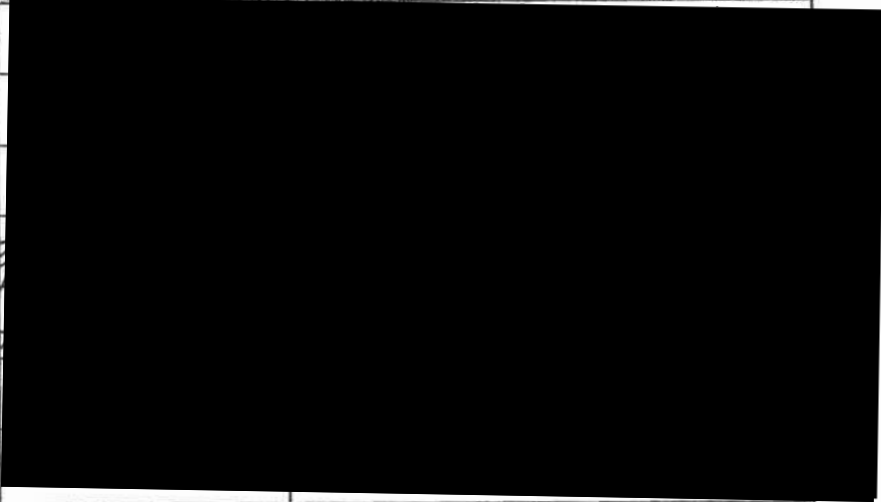
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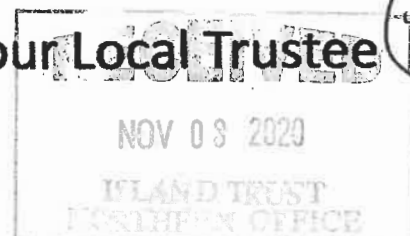
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CATHERINE HOWARD		
Jane Laibot		
JUDITH WACKSLE		
Lynn Nunley		
vicki BALE		

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RUDY ROGALSKY		
Jan Palmer		
Jennifer Amstutz		
JANICE RICHARDS		

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STEPAN VANCEK		

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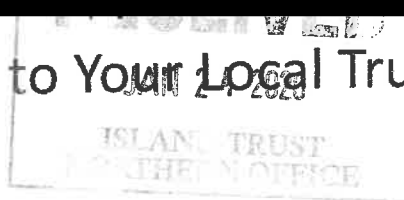
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JUR ^M WELLS		
MICHAEL THOMPSON		
RICK GRAYSON		
Ian Kennedy		
Patrick Kennedy		
Kim McMechan		
Andy Slow.		
Cassandra Bassett		

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ETC
UNAFEP

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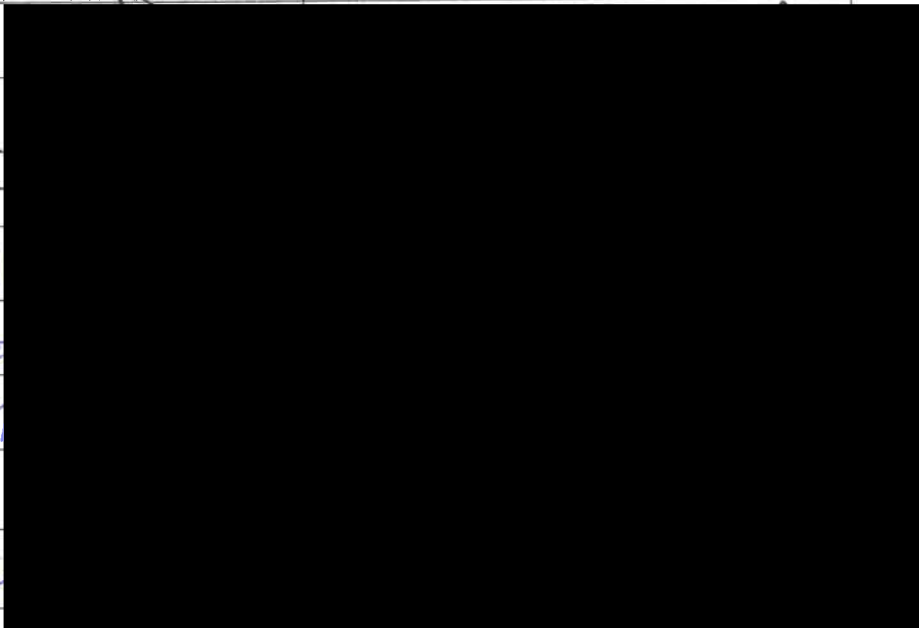
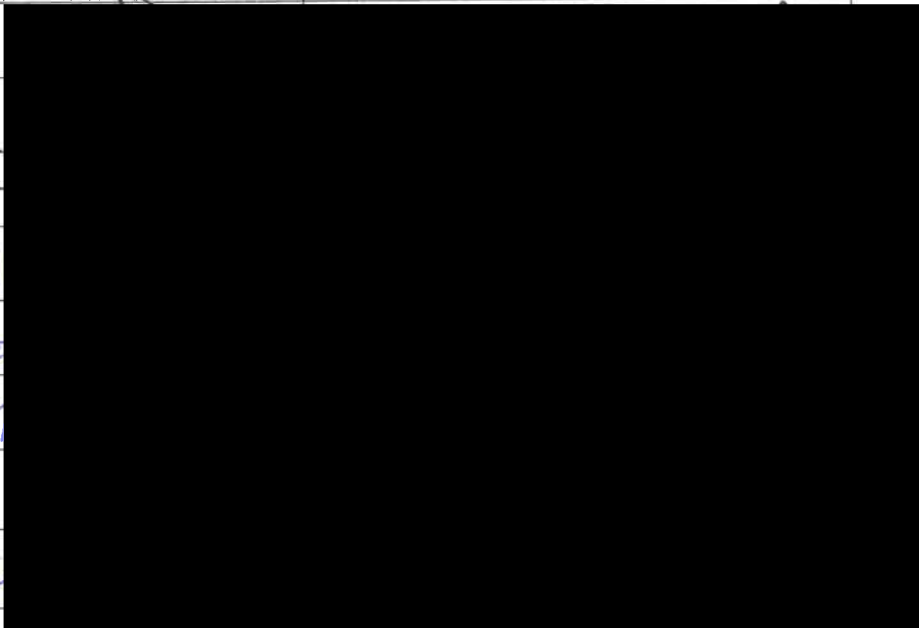
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Casey Doss		
ALASTAIR HESE		
Ann NEWIDIGAT		
Tara Channell		
LARRY LINGLE		

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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	[REDACTED]	[REDACTED]

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

PRINTED NAME	SIGNATURE	ADDRESS
Yasumi Hamsby	[REDACTED]	[REDACTED]

RECEIVED

FEB 26 2020

ISLANDS TRUST
NORTHERN OFFICE

From: [REDACTED]

Sent: Wednesday, April 22, 2020 3:04 PM

To: Alex Allen <aallen@islandstrust.bc.ca>; gscott@islandstrust.bc.ca; northinfo <northinfo@islandstrust.bc.ca>

Cc: [REDACTED]

Subject: keep visitors away from our home islands

Dear Trust Folks,

There are visitors on Hornby – and probably all Trust areas – who have been told to stay home!

We do NOT want them here!

Hornby home owners who are renting to these visitors must be notified that they must be responsible and cancel rentals.

We are staying in our home for protection – we are 87 and 86 – we miss our family – kids and grands!

We must – and the Trust too, show a caring for those who work in CoOp areas, where folks work supplying us with our food and other needs;
and for our Medical staff, and Home Care Workers who do NOT need the worry of off island visitor infections.

We understand those whose ‘living’ depends on summer sales, lack of seasonal visitors will put them in a very precarious situation. All of us who are able must support these folks as best as we are able – early Christmas shopping is an idea, buying produce from local gardens, using local services, – maybe time to paint the house, dig up a new garden, have raised beds made, have that shed built, re-pile lumber etc. These jobs and more can also be done by island young people.

Think about interest free loans (Elder Housing was assisted by many supporters).

It is a crazy time and we can help each other – so make our HORNBY SUMMER a success until the ‘ALL CLEAR’ BY BC HEALTH – Henry and Dix.

Until then – NO VISITORS, please! (and close all camp grounds – campers too are visitors).

We send all the best for a healthy summer, and thank you,

John and Cathie Howard [REDACTED]

PLEASE HAVE SIGN AT BUCKLEY BAY – “GO HOME, STAY HOME UNTIL THE WORLD IS HEALTHY”, Islands Trust.

Tony Law

[REDACTED], Hornby Island

BC V0R 1Z0

To: Hornby Island Local Trust Committee

23 April 2020

re: Hornby Island Housing Society (HIHS) – Beulah Creek Community Housing

I strongly encourage the Hornby Island Local Trust Committee to do all it can to ensure that permitting and regulatory processes are implemented in a timely way by immediately addressing the issues described below so that this important community development can proceed without undue delay.

The Islands Trust's 2018 Housing Needs Assessment for the Northern Region stated:

Hornby Island now requires between 65 and 97 affordable housing units.

Islanders' Secure Land Association is working on a development of 20-30 affordable rental units and has received expressions of interest from over 40 people.

Two years later, the project – one of the most significant and beneficial projects our community has ever undertaken - could be in jeopardy because of Islands Trust bureaucratic barriers. One involves a single letter omitted in error from the Land Use Bylaw! The other involves a single word, and its possible interpretation, in the Official Community Plan!

If these are not addressed in a timely way, access to necessary funding could be lost. Delays could result in the limited available funding going instead to other projects that are more ready to begin.

1. Error in the Hornby Island Land Use Bylaw

- Background

In 2009, Bylaw 129 amended the Land Use Bylaw to enable amenity zoning whereby land would be donated for community housing in conjunction with increased subdivision capacity.

Following this happening, a new Official Community Plan was adopted in 2016 including a "community housing" policy (6.3.5.7) specifying that the donated lot *may be used to provide affordable or special needs housing*.

At the same time, the new Hornby Island Land Use Bylaw included a full set of regulations for a new zone: 8.3A Residential 3A – Community Housing (R3A) Zone (ISLA). This clearly referenced the

donated land, the only property owned by ISLA.

Due to an error, Schedule B of the Land Use Bylaw identified the property as being zoned as *R3 – Residential 3 – Community Housing* rather than as *R3A – Residential 3A – Community Housing*. Unfortunately, this error was not picked up by staff, the LTC, the APC, ISLA or the public before the bylaw was adopted.

- Subsequent process

On September 28, 2018 this error was officially recognized and direction provided by the LTC for it to be corrected. From the minutes:

Planner Ritemann advised that it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project.

HO-2018-059 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee request staff to amend the Project Charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map. CARRIED

On April 5, 2019, the LTC endorsed a project charter for an *Official Community Plan and Land Use Bylaw Amendments Project* which identified the Beulah Creek housing site map amendment from R3 to R3A as being among the technical amendments that were “in scope” for this project. The charter’s deliverables concluded with the amending bylaw being adopted in the summer of 2020.

On July 5, 2019, the LTC endorsed a revised project charter whereby amendments would be addressed in two phases and directed staff to proceed with the first phase by preparing bylaws to amend the OCP and LUB to implement “minor technical changes”. Without explanation recorded in the staff report or the minutes, the R3A mapping change was not included, even though staff had previously described this as an “error” that might be corrected through the technical amendments project. Instead, this matter was deferred to the subsequent second phase focused upon “major” amendments, with the legislative process not scheduled to begin until fall/winter 2020.

On November 8, 2019, the LTC gave first reading to Bylaw 162 which would implement the technical amendments to the Land Use Bylaw (excluding the R3A change).

On January 24, 2020 at its regular meeting, the LTC received a presentation by Hornby Island Housing Society

- detailing the history of the R3A zoning and mapping error,
 - reporting that staff had advised the issue could be addressed by HIHS applying to amend the LUB,
 - explaining that delays could jeopardize the project and,
 - requesting that the LTC expedite resolution of the problem
- The minutes record no action by the LTC to address this.

The March 2020 meeting was cancelled. This would have included a public hearing for Bylaw 162 and consideration of further readings. The meeting would have included a verbal update on R3A zoning.

The LTC is scheduled to meet on May 1, 2020.

- Options

I see four possible options:

- 1) To continue as present, with the R3A issue included in Phase 2 of the amendment project. However, this phase is already behind schedule and the length of time it will take to complete could jeopardize funding for the community housing project.
- 2) HIHS could apply to amend the Land Use Bylaw as suggested by staff. This too will take time, which could jeopardize the funding. It also seems unreasonable to expect a community organization run by volunteers with limited financial resources to pay for a process to correct an error made by the Islands Trust.
- 3) The LTC could initiate a separate amending bylaw to address this particular issue, but again this would take time and staff resources.
- 4) The LTC could amend proposed Bylaw 162 to include this particular issue given that staff have identified it as an error that could be corrected through a technical amendment.

- Suggested actions

I recommend that the LTC consider resolving to:

- a) Rescind the first reading of proposed Bylaw 162
- b) Amend Schedule A of draft Bylaw 162 by adding the following amendment to Schedule B of Bylaw 150:
 - deleting the *R3 – Residential 3 – Community Housing* zoning classification for Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054
 - and replacing it with *R3A – Residential 3A – Community Housing*
- c) Give first reading to the amended Bylaw 162
- d) Proceed with advancing the proposed bylaw as quickly as circumstances allow

2) Development Permit Area DPA 5 - justification

DPA 5 provides guidelines for the form and character of community housing on Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054. This designation is permitted under Section 488 (1) of the *Local Government Act* which says that an *official community plan may designate development permit areas for one or more of the following purposes.....(e) establishment of objectives for the form and character of intensive residential.*

Section 6.9.3 of the OCP includes this sentence: “*The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible.*”

I understand it has been suggested that this wording could be interpreted as limiting its applicability to a development involving ownership housing and that the Official Community Plan would have to be amended by changing the wording of this sentence in order to enable an application involving rental housing to be considered.

Such a process would involve many months before an application could begin to be processed and such a delay could jeopardize the project.

The analysis I am providing below concludes that this is not necessary; the Official Community Plan already describes the conditions and objectives, as required by the *Local Government Act*, to justify the designation of this DPA applying to all types of Community Housing.

- The *Local Government Act*’s requirement for “justification” of a DPA designation

Section 488 (2)(a) of the *Local Government Act* states: *The official community plan must...describe the special conditions or objectives that justify the designation of a development permit area.*

The *Local Government Act* enables the designation of Development Permit Areas to address three types of designations:

- to protect particular aspects of the land: ecosystems, biological diversity, hazardous conditions, farming;
- to promote particular objectives: energy conservation, water conservation, greenhouse gas emissions, revitalization of commercial areas;
- to enable requirements respecting the form and character of development that is intensive residential, commercial, industrial, multi-family residential or in a resort region.

The first two types of designation require technical justification with respect to describing pre-existing aspects of an area or with respect to describing why particular objectives should be applied to a specified area.

The “form and character” designations do not require the same technical justification because they do not need to identify existing conditions of the land nor to explain why particular objectives should be applied to an area. Instead they simply address how certain kinds of development should be carried out.

With respect to case law, in *Valentine Lands (Corporation) v. Gibsons (Town)*, 1992, judgment was found in favour of the Town of Gibsons’ decision to establish a DPA because “there was some evidence which would have justified a reasonable Council person to have come to the conclusion” that a DPA was justified. (The DPA in question was an “environmental” DPA which requires more technical justification than would be needed for a “form and character” DPA.)

Thus it can be concluded that the *Local Government Act*'s requirements to justify a DPA are as follows:

- a) a local government's decision to designate a DPA, when it is made, must be justified in an OCP.
- b) to justify a "form and character" DPA,
 - i) the type of development must fall under one of the categories for which a DPA may be designated (eg "intensive residential development);
 - ii) the OCP should describe the special conditions or objectives for designating an area for the purpose of addressing form and character requirements.
- c) The *LGA* does not specify where or how the required justification is to be described in the OCP.

- Justification of DPA 5

The OCP as a whole should be considered as a source of descriptions that justify DPA 5 rather than consideration only focusing upon sentences contained in one section of the OCP independently from the full context.

Type of development

The lot in question can be considered as justified for inclusion in the DPA because the OCP enables this property to be developed for "community housing", which, by its nature, is more intensive than other permitted residential development.

The "community housing" section of the OCP includes this policy:

6.3.5.7 Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054, designated (AG), may be used to provide affordable or special needs housing.

The OCP describes "community housing" as follows:

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

The following "community housing" policies on housing agreements clarify that such housing includes rental housing:

6.3.5.3 A housing agreement may be required upon application for rezoning to Community Housing.

6.3.5.4 Criteria that should be addressed in the provision of community housing includes: (a) the form of tenure of the housing units; (b) the availability of the housing units to persons whose special needs are to be accommodated; (c) the administration and management of the housing units, including the manner in which the housing units may be made available to persons with special needs referred to in paragraph (b); and (d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in an agreement or as determined in accordance with a formula specified in an agreement.

For residential areas the Official Community Plan limits the number of dwellings per lot to one or two.

6.3.2 Small Lot Residential

6.3.2.4 One dwelling unit should be permitted on each lot.

6.3.3 Rural Residential

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.

6.3.4 Forest

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over four hectares (10 acres).

Thus by comparison “community housing”, with multiple units, could be considered intensive residential development. This justifies the lot in question being included in a DPA because the type of development the OCP enables falls into one of the categories for which a “form and character” DPA may be designated.

Form and character

The OCP also describes why “form and character” may be addressed through a DPA applied to community housing that is an intensive residential development.

The Housing section (6.3.5) of the Official Community Plan includes this objective:

(2) to enable affordable, rental and special needs housing options that are compatible with the Island’s environment and character;

“Community housing” policies include this policy:

6.3.5.6 Community housing developments should be of a scale and character that is compatible with the neighbourhood ambience and the natural environment.

While the “scale” of developments can only be addressed through land use regulations, the “character” of development can only be addressed through Development Permit Area guidelines.

Statements in 6.9.3

By the time one gets to section 6.9.3, the OCP has already described the special conditions and objectives for this DPA as required by the *Local Government Act*.

The following sentence adds a description of what ISLA, then the owner of the lot, was considering at the time the OCP was prepared: *“The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible.”*

This sentence describes an intent by the owner to carry out one type of community housing. This intent simply reinforces the already-stated justification for a Development Permit Area created to address the form and character of community housing because it is intensive residential development.

Given the context of the OCP (which enables all types of community housing in this area) and given that the stated purpose of this DPA in the OCP is a *“Form and Character of Community Housing Development Permit Area”* this particular sentence should not be considered as excluding from applicability other types of community housing that constitute intensive residential development (such as affordable rental housing)

Options

I see five possible options

1. It could be determined that, because 6.9.3 refers to ownership housing, DP application is not required for rental housing. However, this would not fulfill policy 6.3.5.6.
2. HIHS could apply to change the wording in 6.9.3 of the OCP, such as by replacing the word “ownership” with “affordable”. However, this would involve hard-to-meet costs for a community organization and the time required could jeopardize the project.
3. The LTC could initiate an amending bylaw. However, this too would involve a timeline that could jeopardize the project.
4. The LTC could include the change from “ownership” to “affordable” in proposed bylaw 161 to amend the OCP. However, this and the previous options are not strictly necessary as the designation was sufficiently justified in the OCP at the time of its adoption.
5. It could be determined that DPA3 was justified in the OCP at the time it was designated to apply to any type of intensive residential development for community housing.

Suggested action

I recommend that the LTC consider a resolution such as:

The Hornby Island Local Trust Committee adopts the following standing resolution:

The Hornby Island Local Trust Committee determines that special conditions or objectives, described in the Hornby Island Official Community Plan Bylaw No. 149, 2014 when it was adopted, justified the designation of Development Permit Area DPA 5 for *Form and Character of Community Housing*. These include:

- Official Community Plan policy 6.3.5.7 which enables intensive residential development (community housing) in this area,
- Official Community Plan section 6.9.3 which describes an intent to use this area for intensive residential development, and
- Official Community Plan policy 6.3.5.6 which requires that the character of community housing be compatible with the neighbourhood ambience and the natural environment.

The Hornby Island Local Trust Committee directs that applications for a Development Permit for any type of community housing that is intensive residential development in this area should be received and processed.

In conclusion, I would strongly support the Hornby Island Local Trust Committee doing all it can to enable this important community housing project to meet regulatory and permitting requirements in a timely and efficient way. It would be sad indeed if this project is jeopardized by minor bureaucratic considerations.

I do hope that this analysis and the suggestions are helpful. Thank you for considering this.

Tony Law

I am a thirty year plus resident of Hornby Island who has been:

- Chair of the Islanders' Secure Land Association (formed following a 2004 recommendation of the Advisory Committee on Housing appointed by the Hornby Island Local Trust Committee);

- Executive Director of the Hornby Island Community Economic Enhancement Corporation (which involved organizing a conference on Housing Solutions for Small Communities and commissioning a Housing Needs Assessment for Hornby and Denman Islands)

- Hornby Island Local Trustee (including when the OCP was reviewed with "housing" as a targeted issue and when the current OCP and LUB were adopted)

- Chair of the Community Task Force of the Islands Trust Council (which, in two forums heard about the regulatory and bureaucratic barriers to community housing experienced by islanders working to make housing initiatives happen)

- appointed member of the Comox Valley Regional District Select Committee on Homelessness and Housing (which looked at how local government can better support housing solutions)

Islands Trust
200 – 1627 Fort Street
Victoria, BC
V8R 1H8
Attention: Heather Kauer, Regional Planning Manager – Northern Team

April 23, 2020

Dear Ms. Kauer,

Re: Hornby Island Housing Society – Beulah Creek Zoning and OCP Amendment

On the instructions of our client, the Hornby Island Housing Society (“HIHS”), M’akola Development Services (“MDS”) is writing to you to clarify the status of both the zoning of the Beulah Creek property (Legally described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan VIP87990; with a civic address of 5040 Central Road) (the “Beulah Creek Property”) and the Development Permit Area requirements for the Beulah Creek Property (“DPA 5”), as per the Hornby Island Official Community Plan 2014 (“OCP”).

Our understanding is as follows:

Issue #1 - Beulah Creek Property Zoning

- In 2014, discussions between the Islanders’ Secure Land Association (“ISLA”), Islands Trusts’ regional planning office, and the Hornby Island Local Trust Committee (“LTC”) led to the adoption of an “R3A Zone” in the Hornby Island Land Use Bylaw No. 150, 2014 (“LUB”), at section 8.3A.
- The R3A zone was approved and created specifically for the purposes of an affordable housing project on the Beulah Creek Property. This was done with the support of the Elder Housing Society, which had previously worked to establish the “R3 Zone” in the LUB. Note that ISLA and the Elder Housing Society and their members have since joined together to form HIHS.
- In August 2018, members of ISLA, now members of HIHS, noted that the Beulah Creek Property continued to be shown on Schedule B (zoning map) of the LUB as R3, and not R3A. MDS was instructed to inquire about this discrepancy, and Islands Trust planning staff informed us that there was an “oversight” in the map designation and that a bylaw amendment would be required to fix this. (See attached email of August 24, 2018).
- On September 28, 2018 the LTC was advised by the Islands Trust planning staff as follows: “it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project.”
- The LTC then passed a resolution (NO-2018-059) on September 28, 2018 “to request staff to amend the Project charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map.” (Minutes are attached).

- On November 9, 2018, HIHS and MDS were successfully awarded up to \$2.6 Million from BC Housing to pursue preliminary plans and designs for the affordable housing project on the Beulah Creek Property. (See attached award letter).
- MDS and HIHS continued to follow up and work with Islands Trust planning staff in the intervening year, however no further information was given as to the R3A zoning map amendments, and our assumption was that this item was proceeding, as approved, through the aforementioned LUB amendment project.
- On January 24, 2020, HIHS attended an LTC meeting as a delegation, outlining the understanding that an error had been made in not applying the R3A zone to the Beulah Creek Property in Schedule B to the LUB, as well as a timeline of events. HIHS expressed the hope that the current Trustees will be able to help HIHS resolve this issue as quickly as possible. (Cover Letter and Brief attached).
- On April 6, 2020, MDS was informed that in order to proceed with the affordable housing project on the Beulah Creek Property, a rezoning application would be required, to rezone the Beulah Creek Property from R3 to R3A. Further, we were informed, contrary to prior correspondence, that there was in fact no error or mistake with the LUB zoning map, and that it had been the intention of the planning department to create the R3A zone but specifically not to apply it to the Beulah Creek Property. MDS and HIHS were notified that the zoning map would continue to list the Beulah Creek Property as “R3” until such time as HIHS submitted a rezoning application to Islands Trust. (See attached email of April 6, 2020)

Comments and Requests – Issue #1

- HIHS, and much of the Hornby Island community, have understood that the Beulah Creek Property had been rezoned to R3A when the revised LUB was adopted in 2014, which included extensive community consultations, and the normal bylaw adoption procedures. We have proceeded with this project on that basis.
- The development project for the Beulah Creek Property will not comply with an R3 zone.
- Until the April 6, 2020 correspondence, we had not heard anything to the contrary regarding the correction of the LUB zoning map, and it is unclear why this was not communicated to us prior to that date.
- Despite the April 6, 2020 correspondence from Islands Trust, MDS have found no resolution or authorization from the LTC altering the September 28, 2018 resolution to amend the LUB zoning map, nor any resolution or information verifying that the LUB zoning map was intentionally left as “R3” for the Beulah Creek Property.
- Our understanding is that the rezoning process can take up to a year to complete. This seriously jeopardizes the \$2.6 million of provincial funding that the project had worked to secure.
- We are requesting confirmation of whether the Islands Trust planning office intends to recommend to the LTC that (a) the zoning map designation of the Beulah Creek Property was left as R3 by inadvertent error or omission, and can be resolved through the proposed ‘housekeeping’ LUB bylaw amendment process, or (b) that the R3 designation was intentional, and will remain as-is, despite the September 28, 2018 LTC resolution, and subject to an HIHS rezoning application.
- We are further requesting, for either recommendation that the Islands Trust planning office makes, further information, plans, strategies, or options to ensure that the zoning issue can be resolved in a timely manner, so that funding can remain secure, and the affordable housing project can move forward.

Issue #2 – Beulah Creek Project - Development Permit Area 5 – “Ownership Housing”

- On April 15, 2020, we received correspondence from the Islands Trust planning office that the affordable housing project cannot receive a Development Permit if the project does not comply with DPA 5 (see attached email of April 15, 2020).
- DPA 5 includes in its justification: “The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible.” (see attached excerpt of the OCP, section 6.9.3)
- The HIHS project is planned as a fully rental project. This is largely due to the financial challenges in providing affordable homeownership and because provincial funding programs require fully rental buildings. As such, we are seeking clarification whether our project complies with DPA 5, and what process is required should the project not comply due to the rental structure.

Comments and Requests – Issue #2

- If the project were found to not comply and require an OCP amendment, our understanding is that the OCP amendment process can take longer than a year to complete; again, this would seriously jeopardize the funding from BC Housing that has been secured for the project.
- However, our understanding is that municipalities cannot limit the form of tenure in a zone, except for residential rental tenures (section 479 of the *Local Government Act*). Only the use of a zone may be regulated. “Ownership” is a form of tenure, not a use. Therefore, limiting the form of tenure of DPA 5 to “ownership housing” is outside the authority of the Islands Trust.
- We would request that Islands Trust amend the OCP as soon as possible to strike out the word “ownership” from the text of section 6.9.3. Alternatively, the word “ownership” could be replaced with “Community” or “Affordable”.
- We further request any information, plans, strategies, or options available to ensure that the OCP and DPA 5 are able to support a rental project can be completed in a timely manner, so that funding can remain secure, and the affordable housing project can proceed.

We understand that the Islands Trust is in support of this much needed community affordable housing project on Hornby Island and we hope to work together to ensure its timely progress and long-term success. We look forward to your response at your earliest convenience.

Sincerely,



Lindsay Monk
Manager of Development
M’akola Development Services
lmonk@makoladev.com
778-265-7489

Encl.

Land Use Bylaw No. 150, 2014 (section 8.3A excerpt & Schedule B – Zoning Map)
Beulah Creek Project Award Letter
August 24, 2018 – Correspondence with Islands Trust
September 28, 2018 – Local Trust Committee Meeting Minutes
January 24, 2020 – HIHS Delegation Cover Letter and Brief to LTC
April 6, 2020 – Correspondence with Islands Trust
April 15, 2020 – Correspondence with Islands Trust
Hornby Island Official Community Plan No. 150, 2014 (Section 6.9.3 excerpt)

cc.

David Marlor, Director, Local Planning Services, Islands Trust
Hornby Island Housing Society

8.3A Residential 3A – Community Housing (R3A) Zone (ISLA)

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) community housing;
 - (c) attached housing;
 - (d) live/work studios; and
 - (e) accessory uses including but not limited to home occupations.

Permitted Buildings, Structures and Density

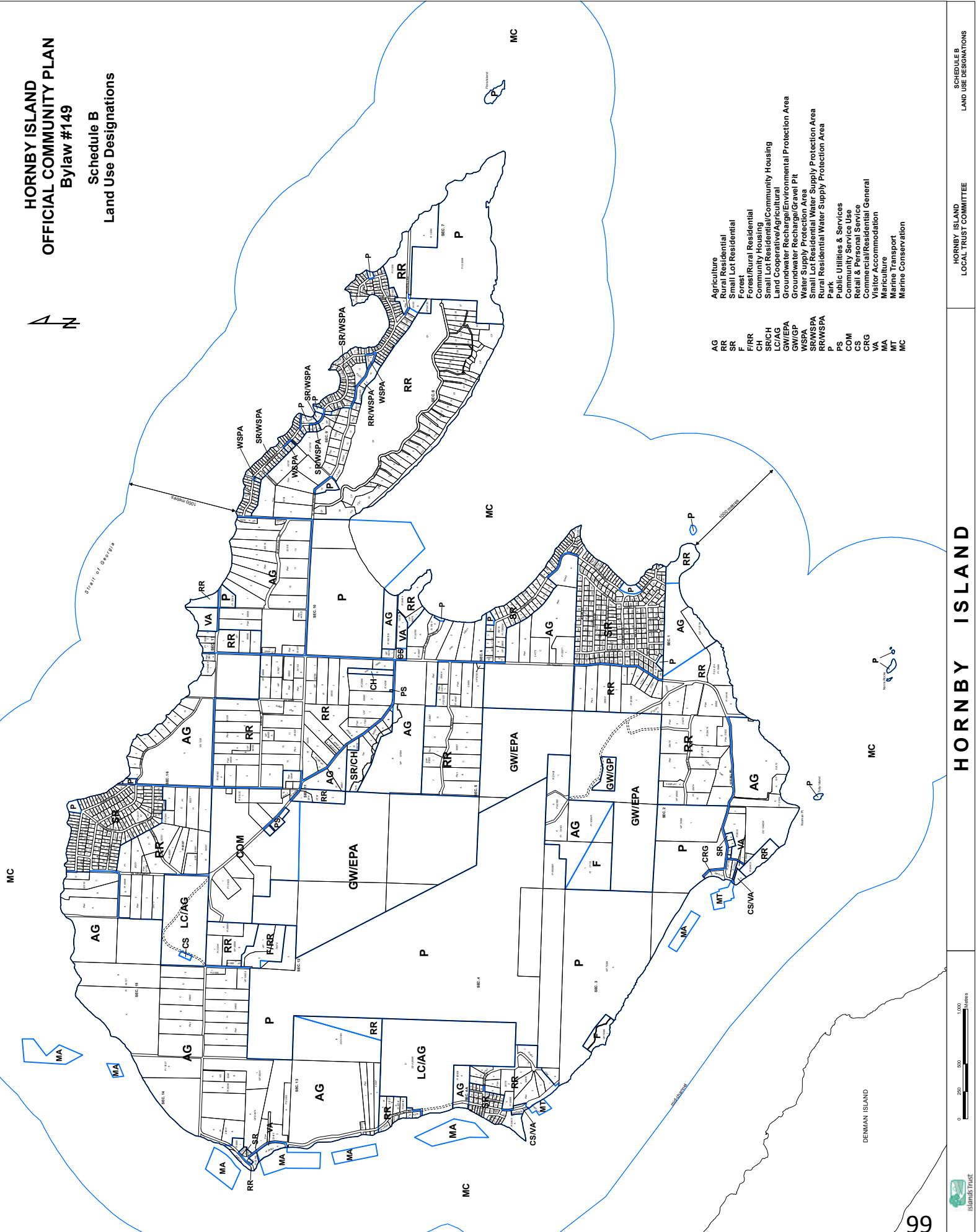
- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of five community housing dwelling units per 1.0 hectare of lot area to a maximum of 30 community housing dwelling units per lot;
 - (b) a maximum of four live/work studios per lot;
 - (c) accessory buildings and structures;
 - (d) a maximum of one accessory community facility; and
 - (e) a maximum of one accessory building per community dwelling unit .
- (3) Lot coverage must not exceed 10 % of any lot having an area of 1.0 hectare or more than 15% of any lot having an area 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 dwelling unit, including a live/work studio, in a community housing development must not exceed 150 m².
- (6) The floor area of an accessory community facility must not exceed 200 m².
- (7) The floor area of an accessory building must not exceed 10 m².
- (8) The total combined floor area of all accessory buildings on a lot, including the 200 m² permitted for the accessory community facility, must not exceed 500 m².

HORNBY ISLAND OFFICIAL COMMUNITY PLAN Bylaw #149

Schedule B Land Use Designations



- | | |
|---------|--|
| AG | Agriculture |
| RR | Rural Residential |
| SR | Small Lot Residential |
| F | Forest |
| FRR | Forest/Rural Residential |
| CH | Community Housing |
| SR/CH | Small Lot Residential/Community Housing |
| LC/AG | Land Cooperative/Agricultural |
| GW/EPA | Groundwater Recharge/Environmental Protection Area |
| GW/GP | Groundwater Recharge/Gravel Pit |
| WSPA | Water Supply Protection Area |
| SR/WSPA | Small Lot Residential Water Supply Protection Area |
| RR/WSPA | Rural Residential Water Supply Protection Area |
| P | Park |
| PS | Public Utilities & Services |
| COM | Community Service Use |
| CS | Retail & Personal Service |
| CRG | Commercial/Residential General |
| VA | Visitor Accommodation |
| MA | Mariculture |
| MT | Marine Transport |
| MC | Marine Conservation |



Home Office
1701 – 4555 Kingsway
Burnaby, BC V5H 4V8

Tel 604-439-4109
Fax 604-433-5915

DELIVERED BY E-MAIL

November 9, 2018

Hornby Island Housing
Society
5775 Central Road Box 33
Hornby Island, BC V0R 1Z0

Dear JoAnn Harrison:

**Re: RFP 1070-1819/16 Building BC: Community Housing Fund
5040 Central Road Hornby Island**

We have finalized our evaluation of your proposal submitted under the above Request for Proposal (RFP) and are pleased to inform you that your submission was approved to proceed.

As identified in the RFP document, Provisional Project Approval contains several conditions that must be met before we provide Final Project Commitment. The Regional Director, Malcolm McNaughton responsible for your region, will be in contact with you over the next few weeks to discuss the next steps in this process.

Please note that we still require all communication surrounding this award to be kept confidential as per the RFP documentation, **Prohibited Communications and Confidential Information**, under (4.4) RFP information must not be disclosed without prior written authorization from BC Housing.

Should you have any queries in connection with the award, please do not hesitate to contact me.

I would like to thank you for your successful submission and invite you to respond to future BC Housing requests.

Yours truly,

A handwritten signature in cursive script, appearing to read "Shayne".

Shayne Ramsay
Chief Executive Officer, BC Housing

It was **MOVED and SECONDED**,
that the Hornby Island Local Trust Committee request staff to amend the Project
Charter for the Land Use Bylaw Amendment Project to include an amendment to the
zoning for the Beulah Creek Project from R3 to R3A on the zoning map.

CARRIED

12. REPORTS

Ian Cox
Planner I, Northern Team
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3
Phone: 250-247-2204 (office)
Enquiry BC Toll-free call 1-800-663-7867 or
from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

From: Karin Albert <khalbert@makoladev.com>
Sent: Wednesday, December 19, 2018 3:34 PM
To: Ian Cox <icox@islandstrust.bc.ca>
Subject: further follow-up from Teresa

Hi Ian,

Here is the latest correspondence I have from Teresa. I wasn't able to attend the meeting but the resolution passed. We would just like to know what the timeline is for the update to the map.

Also, what is your usual turn-around for a development permit from the date that you have all the required information from us.

Thank you!
Best,

Karin



Karin Albert, MCP, RPP
Project Manager
Development Office (Comox Valley)
Office Hours: Tuesday - Friday, 8:30 AM - 4:30 PM
☎ 778.265.7489 | ☎ 1.855.897.6922
🐦 [@makoladevelops](https://twitter.com/makoladevelops)

ADVANCE NOTICE: Our office will be closed between December 24 - January 1.

From: Teresa Rittmann <trittmann@islandstrust.bc.ca>
Sent: Tuesday, September 25, 2018 11:04 AM
To: Karin Albert <khalbert@makoladevelopment.com>
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Karin,

Thanks for your voicemail last week to introduce yourself; my apologies in getting back to you. We've been so busy here!

This Friday (September 28), the Hornby LTC has Community Housing as a discussion point on their agenda:
<http://islandstrust.bc.ca/islands/local-trust-areas/hornby/meeting-calendar-agendas-minutes/>

I am going to note to the LTC that the ISLA property needs to have the zoning map changed to reflect the text of the intended zone in the bylaw, and suggest that they consider this as part of their Land Use Bylaw amendment project.

If yourself or someone from Makola or ISLA would be available to attend, that could be useful to the LTC in the event that they (or you!) have questions for the discussion. I would encourage you to attend ☺

And thanks for taking this one over – it's complex!
Feel free to be in touch anytime.

Kind regards,
Teresa Ritemann, MCIP, RPP
Island Planner
Northern Office, Islands Trust
Phone: 250-247-2200
Enquiry BC Toll-free: 1-800-663-7867
or from the Lower Mainland: 604-660-2421

From: Bronwyn McLean [<mailto:bmclean@makoladevelopment.com>]
Sent: Monday, September 10, 2018 11:34 AM
To: Teresa Ritemann
Cc: Graham Burns; Karin Albert; Hornby Planner
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Teresa,
Thanks for letting us know and sorry I haven't gotten back to you sooner. I've been quite swamped at the office. I am now heading off on maternity leave so I wanted to make sure that you were connected with my coworker Karin Albert (CC'd here) who will be taking over this project. She'll likely get in touch with you soon regarding timeline for that housekeeping amendment. The project is 26 units and therefore doesn't work within the R3 zone which I believe limits development to 20 units.

All the best and thank you for your work so far on this.

Bronwyn McLean
Project Manager
778-265-7489 ext. 3527

From: Teresa Ritemann <tritemann@islandstrust.bc.ca>
Sent: August 24, 2018 2:45 PM
To: Bronwyn McLean <bmclean@makoladevelopment.com>
Cc: Graham Burns <gburns@makoladevelopment.com>; Karin Albert <khalbert@makoladevelopment.com>;
Hornby Planner <hornbyplanner@islandstrust.bc.ca>
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi again Bronwyn,

I have done so much digging into this zoning issue now, but unfortunately I do not have the best of news for you...

Even after asking the Hornby LTC about it, and discussing with my manager, and reading previous Staff Reports, it looks like this was most likely an oversight: that the R3A zone was put into the text of Hornby Land Use Bylaw No. 150 for a community housing project on the donated land, but was never actually shown on the zoning map for the bylaw.

Thus, your current options are as follows:

1. Try and work within the regulations of the R3 zone (see the LUB beginning on page 39: <http://islandstrust.bc.ca/media/346211/hobl-150-lub-consmar2018.pdf>) which is what the LUB currently shows for the property; or
2. If you cannot make the R3 zone work for your project, then a bylaw amendment would need to proceed. If this is the option you choose, I will work with you on that and perhaps we can add this oversight to a housekeeping bylaw amendment, which we are likely proceeding with, as Staff have already identified a number of other issues in the bylaw that would need to be amended. We could potentially add this to that list of amendments.

Sorry to be the bearer of bad news, especially this late in the game.
Please feel free to call me next week to discuss further if you'd like.

Kind regards,
Teresa Ritemann, MCIP, RPP
Island Planner
Northern Office, Islands Trust
Phone: 250-247-2200
Enquiry BC Toll-free: 1-800-663-7867
or from the Lower Mainland: 604-660-2421

From: Hornby Planner
Sent: Thursday, August 23, 2018 2:14 PM
To: 'Bronwyn McLean'
Cc: Graham Burns; Karin Albert
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Bronwyn,

You're not pestering me! And my apologies for not getting back to you sooner – I was out of the office from Aug 3 and just got back yesterday.
My Manager is out of the office today, but I want to connect with her one last time tomorrow before I get back to you about the zoning...

As for your question about Development Cost Charges, you're right that the project is not subject to DCCs. I double-checked with a colleague – Islands Trust does not have the authority to ask for DCCs like some other local governments do.

Sorry to keep you hanging for one more day. Will get back to you asap about the zoning!

Best,
Teresa Ritemann, MCIP, RPP
Island Planner
Northern Office, Islands Trust
Phone: 250-247-2200
Enquiry BC Toll-free: 1-800-663-7867
or from the Lower Mainland: 604-660-2421

From: Bronwyn McLean [<mailto:bmclean@makoladevelopment.com>]
Sent: Wednesday, August 22, 2018 12:44 PM
To: Hornby Planner
Cc: Graham Burns; Karin Albert
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Teresa,
Sorry to keep pestering you, I also wanted to check if the Beulah Creek Village project will be subject to any Development Cost Charges? I don't think so but wanted to be certain. I'm currently working on a funding proposal to BC Housing and this has an impact on the budget so I want to be sure.

Many thanks,
Bronwyn McLean
Project Manager
778-265-7489 ext. 3527

From: Bronwyn McLean
Sent: August 20, 2018 11:40 AM
To: 'Hornby Planner' <hornbyplanner@islandstrust.bc.ca>
Cc: Graham Burns <gburns@makoladevelopment.com>; Karin Albert <khalbert@makoladevelopment.com>
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Teresa,
I wanted to follow up if you've been able to clarify further regarding the zoning? I've checked in with ISLA and they are quite clear that it has gone through – apparently Rob Milne is the person to speak with although I believe he is now fully retired?

Bronwyn McLean
Project Manager
778-265-7489 ext. 3527

From: Bronwyn McLean
Sent: August 8, 2018 12:19 PM
To: Hornby Planner <hornbyplanner@islandstrust.bc.ca>
Cc: Graham Burns <gburns@makoladevelopment.com>; Karin Albert <khalbert@makoladevelopment.com>
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Teresa,
Thanks for getting back to me, I'm concerned that the R3A zoning is in question, this has always been told to me as confirmed. Did you get clarity in your meeting? I'll also check with ISLA but surely there are records such as council meeting minutes which support the rezoning. I'd like to get this confirmed as soon as possible.

Thanks so much for your help!

Bronwyn McLean
Project Manager

Phone: 778.265.7489 ext. 3527

From: Hornby Planner <hornbyplanner@islandstrust.bc.ca>
Sent: Wednesday, August 1, 2018 9:24 AM
To: Bronwyn McLean <bmclean@makoladevelopment.com>
Subject: RE: Housing Agreement details for 5040 Central Road - Hornby

Hi Bronwyn,

Thanks so much for speaking with me and bringing me up to speed on this last week.
And thanks also for sharing a sample Housing Agreement. I will keep confidential, though it is definitely useful for me to understand what a similar one may say.

Regarding your follow-ups, please see my **answers below**...
Teresa Rittmann, MCIP, RPP
Island Planner
Northern Office, Islands Trust
Phone: 250-247-2200
Enquiry BC Toll-free: 1-800-663-7867

or from the Lower Mainland: 604-660-2421

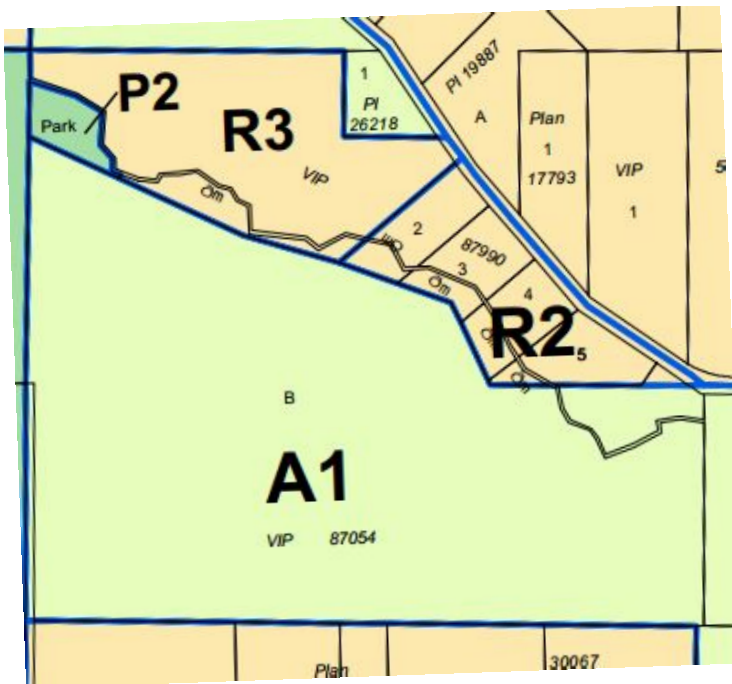
From: Bronwyn McLean [<mailto:bmclean@makoladevelopment.com>]
Sent: Wednesday, July 25, 2018 12:31 PM
To: Hornby Planner
Cc: Kaela Schramm; Karin Albert; Graham Burns
Subject: Housing Agreement details for 5040 Central Road - Hornby

Hi Teresa,
Nice chatting with you, any time you have questions on the file please give me a shout, this is a complicated file!

A couple of follow ups:

- Our understanding is the land is currently zoned Residential 3A which allows for community housing up to a maximum of 30 units per lot. Our proposal will be for 26 units.

When I checked the zoning map (<http://islandstrust.bc.ca/media/341894/hobl-150-lub-map-schedule-b-bl-153-cons.pdf>) I noticed that the lot actually appears to be zoned R3...



So I spent a lot of time last week trying to confirm that the lot is actually zoned R3A as you mention, because I know that the text in the bylaw (<http://islandstrust.bc.ca/media/346134/hobl-150-lub-consmar2018.pdf>) says the R3A zone is for "Community Housing – ISLA"

But after all my research, I am still completely lost as to why the zoning map doesn't acknowledge the R3A zoning intended for that area. My best guess is that perhaps the text for the zone was included so that if/when ISLA had a specific property (or two/more) in mind, they could rezone to R3A? But I am still not able to confirm this and may seek clarification at the LTC meeting on Friday!

- There was briefly a zoning application for a bare land strata and I think it received first reading (before my time on the project) but this was withdrawn by ISLA when it became apparent that water issues were restricting development the way they originally intended. The Residential 3A zone meets all of their needs in their current proposal.

Yes, Bylaw 154 is currently listed as "proposed" on our website (<http://islandstrust.bc.ca/media/342241/hobl-154-proposed-1st-reading-community-housing-r4-to-r2.pdf>).

It shows it received first reading Jan 27, 2017 though never advanced after that.

It's unclear now whether this bylaw could be brought back and amended to rezone from R3 to R3A... OR else perhaps canceled if the current housing proposal is able to fit into the parameters of the R3 zone??

- According to the OCP we will need to apply for DPs for
 - DP Area No. 6: Riparian Areas
 - DP Area No. 5: Form and Character of Community Housing → does this still apply for 100% rental housing?

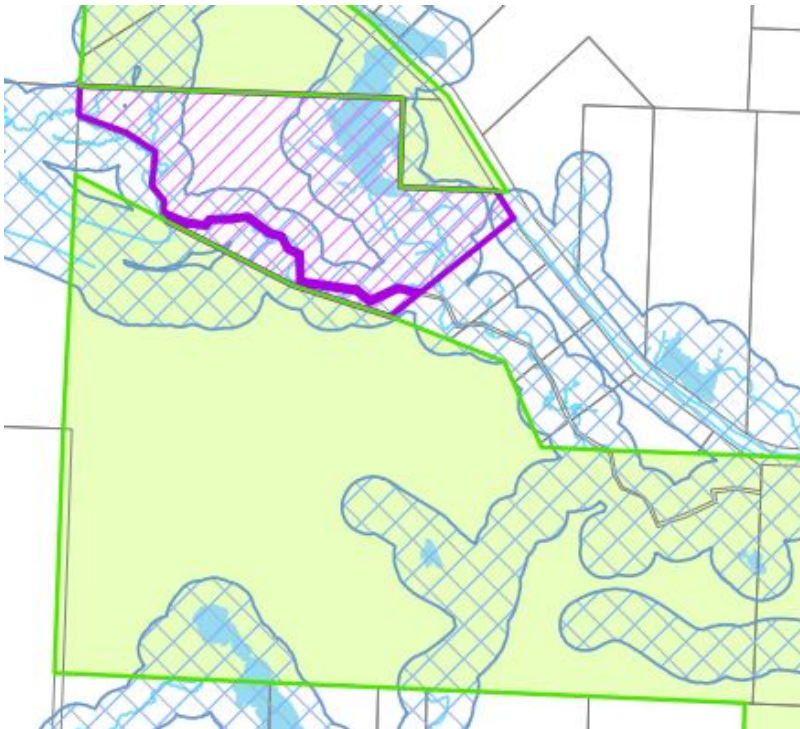
This is correct. From the OCP DP map (<http://islandstrust.bc.ca/media/340645/ho-ocp-sche-rar-alr-2016.pdf>), the two DP areas that apply are DP 5 and DP 6.

DP 5 has guidelines in the OCP only.

- DP 5 applies only to this lot, and I find it curious that the justification listed in the OCP is that “the intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible.”

Ownership is specified, not rental housing. Though the guidelines make no mention either way, and my thought is that this is more a case of “people-zoning” anyhow. That the bylaw cannot limit the tenancy (only the use). The tenancy would be limited by a Housing Agreement, which from our conversation, sounds like it will be held by BC Housing and not likely Islands Trust.

DP 6 has guidelines in the LUB only.



Attached is a sample housing agreement from BC Housing for another project, please keep it confidential. This will be required when the project receives full funding, each one is slightly different depending on project but they all follow standard structure of ensuring the housing will be for affordable rental purposes. The agreements typically have 40 or 60 year terms and define the maximum household income eligible as low and moderate income for that specific locale (changes depending on area) and requires rents to be set at or below Affordable Market rent.

As for Bernhard Weiss' comments, I have a couple small corrections which might be useful for you at the August 3rd meeting:

- Affordable housing is a goal, but it is not a requirement for this project. It is a goal, but it is not a requirement for this project.

- Affordable home ownership as a second stage development on this land is still a possibility. After a lot of effort and research ISLA made the decision to build affordable rental housing first – there are currently no public program supporting building affordable home ownership projects and home ownership options all include costly water requirements that made the project unaffordable. There is still the possibility of subdividing the land at a later date and doing a home ownership project, ISLA's hope is that in the future there will be public funding and support available to make that happen. Further to that the new society will be able to offer affordable home ownership regardless of their charitable status.
- Potential tenants will need to go through the BC Housing Registry but the operator will be able to add additional eligibility requirements such as residency on Hornby.
- Mr. Weiss has suggested using BC Housing's CPI programs to fund ownership units – unfortunately that CPI program is only for affordable rental programs.
- The vast majority of BC Housing funded affordable housing projects across the province are well run and operated and become a successful addition to their neighbourhoods and communities regardless of the rental rates or income of the tenants. ISLA has surveyed the community and has established that there is a clear need for these lower income units, there is no concern that eligible tenants will be coming from off-island or that tenant behaviours will be a concern on this site.

Finally, I am away next week – if anything else comes up that you would like clarification on please contact my director (CC'd):

Kaela Schramm

Director of projects and planning

M'akola Development Services

kschramm@makoladevelopment.com

Office: 778.265.9716

Cell: 250.580.2701

I am also CCing Karin Albert who will be covering my maternity leave starting in mid-September. She hasn't started yet but this way you have her contact info in case you need it.

Many thanks!

Bronwyn McLean

Project Manager

M'akola Development Services

102-550 Goldstream Ave, Victoria BC V9B 2W7

Phone: 778.265.7489 ext. 3527 | Fax: 250.590.0248

makoladevelopment.com

Please note: I work in the office Monday – Thursday 8:30 am – 4:30 pm.



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: September 28, 2018
Location: Hornby Island Community Hall
 4305 Central Road, Hornby Island, BC

Members Present: Laura Busheikin, Chair
 Alex Allen, Local Trustee
 Tony Law, Local Trustee

Staff Present: Teresa Ritemann, Island Planner
 Ann Kjerulf, Regional Planning Manager
 Vicky Bockman, Recorder

Others Present: Approximately two (2) 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 Busheikin called the meeting to order at 11:30 am. She acknowledged that the meeting was being held in First Nations territory, welcomed the public, and introduced the Trustees, staff and recorder.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Move item 10.1 to follow item 6.1
- Move item 13.2 to follow item 11.1

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

- Members of the public commented that the lack of available staff accommodation affects commercial businesses on Hornby Island, including those in the Ford's Cove Marina area, and requested that the Local Trust Committee (LTC) address this issue either through the identified Project of Ford's Cove Consultation or through another means for a comprehensive review rather than a site-specific manner.
 - A Trustee acknowledged that accommodation for staff is a concern and proposed that the LTC might identify available opportunities to consider addressing the issue.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated August 3, 2018 for Adoption

By general consent the Local Trust committee meeting minutes of August 3, 2018 were adopted.

10.1 HO-ALR-2018.3 (Fredbeck - Ford's Cove Marina) - Staff Report

Planner Ritemann presented the Staff Report addressing an application for a non-farm (parking) use in the Agriculture 1 zone to accommodate the additional parking required to potentially increase the amount of retail space and/or restaurant capacity on the Ford's Cove Marina property. She advised that the proposed non-farm use is not permitted by the Hornby Island Land Use Bylaw (LUB).

Trustees discussed the application with the following points noted:

- Process and options were discussed;
- The proposed additional parking would only be necessary to accommodate the restaurant if seating more than 28 people at one time;
- Intensification of use of the land generally needs to be considered; however, a Trustee conducted a site visit and did not observe high value for conservation;
- Increased traffic in the area from the proposed restaurant might be of concern to neighbours and a Trustee asked if they have been consulted.

The applicant responded with the following points noted:

- Maintaining the residential density on the lot is desired for possible future use;
- Only one neighbour might be impacted and has not been consulted as factors are considered to mitigate the impact;
- The proposed renovation and expansion to include a restaurant in the building is being considered to make year-around services available to the community;
- Using this Agricultural Land Reserve (ALR) land to accommodate the required parking will have no effect on agriculture and there is no available land outside of the ALR to accommodate this required parking.

A Trustee expressed support for referring the application to the ALC with comments given the context, shape, size and location of the property; noting that parking at Ford's Cove might be considered to be more important to the community than the potential for farming at that location.

HO-2018-050**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to forward application HO-ALR-2018.3 to the Agricultural Land Commission for consideration with the following comments:

- While the Hornby Island Official Community Plan and the Hornby Island Local Trust Committee support the availability of Agricultural Land Commission (ALC) for farming purposes, this particular lot has marginal potential for farming activity because of its small size, its configuration and the fact that residential use is permitted.
- The Hornby Island Fire Chief has expressed concerns about safety at Ford's Cove because of congestion resulting from a high level of visitation from people going for walks, enjoying the scenery, visiting the marina and/or patronizing the businesses, including one of the only two general stores on the island.
- There are limited alternative options to address parking needs in this location.
- Although current zoning for the property in question does not permit the proposed parking use, if the ALC permits the proposed non-farm use, the Hornby Island Local Trust Committee will consider an application to enable parking.

CARRIED**6.2 Section 26 Resolutions-without-meeting Report - None**

6.3 Advisory Planning Commission Minutes - None**7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List dated September 21, 2018**

Planner Ritemann provided updates and responded to questions that arose with the following noted:

- Senior Freshwater Specialist Shulba is planning a Forum for the Groundwater Protection Next Step Project. Trustees requested they be contacted for input regarding potential invitees for that Forum.
- Chair Busheikin advised that she has not received drafts of the letters regarding ferry service to be sent from the Chair as outlined in HO-2018-046 and HO-2018-047. She requested they be added to the Follow-up Action Report and coordinated by staff. Trustee Law advised that he will resend a draft to the Chair and staff that he has prepared.
- Chair Busheikin provided an update on the potential K'ómoks First Nation event.

7.2 Local Trust Committee Procedure - Electronic Meetings - Bylaw No. 156 - for adoption

Regional Planning Manager Kjerulf advised that Bylaw No. 156 has received Executive Committee approval and may now be considered by the LTC for adoption.

HO-2018-051

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 156, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 156, Amendment No. 1, 2018", be adopted.

CARRIED

7.3 Draft Hornby Island LTC Fees Bylaw No. 157 Amendment - Staff Report

Trustee Allen declared a potential conflict of interest due to his employment at the Hornby Island Co-op and left the meeting at 12:27 pm.

Regional Planning Manager Kjerulf presented the Staff Report, advising of the inclusion of fees for Liquor and Cannabis Regulation Branch applications. She reported that the LTC is requested to consider supporting the review of the LTC fee bylaws by Executive Committee with fees increased as needed to reflect inflation and reduce taxpayer subsidization of applications; and for Executive Committee to make recommendations to the Islands Trust Council to update Policy 5.6.i and the Model Fees Schedule.

HO-2018-052

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 157, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be read a first time.

CARRIED

HO-2018-053

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 157, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be read a second time.

CARRIED

HO-2018-054

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 157, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a third time.

CARRIED

HO-2018-055

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 157, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Trustee Allen returned to the meeting at 12:28 pm.

Trustees discussed the proposed review of the Trust Council Model Fees Schedule in relation to Islands Trust Council Policy 5.6.i. They acknowledged that the increasing cost and complexity of the application process needs to be balanced with the possibility that fees that are too high will discourage applications and result in more need for bylaw enforcement actions. They suggested that this might present an opportunity to refine the fees schedule to include a greater variety of applications.

HO-2018-056

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that the Executive Committee review the Trust Council Model Fees Schedule in relation to Islands Trust Council Policy 5.6.i and current average application processing costs, and make recommendations to the Islands Trust Council to update Policy 5.6.i and the Model Fees Schedule, and consider as part of that review the impact of fee levels on Bylaw compliance.

CARRIED

8. DELEGATIONS - None

9. CORRESPONDENCE - See 13.1.1

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

10. APPLICATIONS AND REFERRALS

10.2 HO-DP-2018.2 (Hornby Island Resort) - Staff Report

Planner Ritemann presented the Staff Report that provides supplemental information to the Staff Report of August 3, 2018 and recommends approval of HO-DP-2018.2 subject to conditions that include plans for landscaping and financial security to ensure completion of the landscape plan.

Trustees discussed the site context and considered that a landscape plan or receipt of security may be out of scale and unnecessary for this proposal.

HO-2018-057

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend draft Development Permit HO-DP-2018.2 by removing all conditions and term 7.0 and renumbering accordingly; and that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2018.2 as amended.

There was discussion of the motion with LTC members in agreement that remediation to a pre-construction state is an important principal; however, consideration of the site-specific circumstance in this case warrants support of the alternate position.

CARRIED

By general consent the meeting was recessed at 12:58 pm and reconvened at 1:15 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Amendments - Verbal Update

Planner Ritemann provided an update on the status of the Land Use Bylaw Amendments Top Priority item. She solicited input from Trustees as to any additional item to be considered for amendment within this project.

Discussion followed on possible additions to the LUB Technical Amendments project with the following noted:

- A Trustee described LUB parking requirements for lots within the Public Use Zone and suggested that an amendment to add parking as a permitted use in all lots in the Public Use Zone might be considered for inclusion in this amendment project to meet community needs in a safe way;
- Planner Ritemann advised that parking as a permitted use may be implied for a commercial property; she will research this further and could add the change to the amendment project if her research determines it to be necessary.

13.2 Parking in Public Use Area

This item was discussed in agenda item 11.1.

HO-2018-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to investigate whether parking is presently a permitted use for lots in the Public Use Zone in a way that would enable parking requirements for developments on one lot to be met by utilizing land on another lot within 100 metres in the Zone and if not, to draft amendments to regulations to enable this as a part of the Land Use Bylaw amendments project.

CARRIED

11.2 Vacation Home Rental Community Education & Bylaw Compliance Campaign - Verbal Update

Planner Ritemann provided an update on the status of the development of a “best practices” pamphlet for Vacation Home Rental (VHR) operators.

A Trustee suggested that staff consult with Senior Freshwater Specialist Shulba to discuss the possible addition of information regarding potential Provincial water well registration requirements for VHRs.

11.3 Community Housing - for discussion

11.3.1 Hornby Island Housing, 2018 - Discussion Paper (Trustee Law)

Trustee Law summarized the discussion paper: Hornby Island Housing, 2018, with the following points noted.

- He provided a historical background and pointed out that there has not been uptake of the many additional housing opportunities that have been added to the Official Community Plan.
- He observed that rural lots are the only other opportunity for increasing density to provide additional potential housing opportunities on Hornby Island.
- He suggested that this topic might be addressed next term with the creation of a Project Charter including an In-Scope item that staff research options including an appropriate balance between accessibility and accountability and consultation with the community.

Planner Ritemann advised that it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project.

HO-2018-059

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to amend the Project Charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map.

CARRIED

12. REPORTS

12.1 Work Program

12.1.1 Top Priorities Report dated September 21, 2018

HO-2018-060

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Top Priority List be amended by replacing item 4 with the following:

Description: Addressing Housing Needs

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

CARRIED

12.1.2 Projects List Report dated September 21, 2018

HO-2018-061

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Projects List be amended by deleting "Environmentally sensitive areas" and replacing it with:

Description: Ecosystem Protection

Activity: Consider potential utilization of the Regional Conservation Plan and the Coastal Douglas Fir Tool Kit.

CARRIED

HO-2018-062**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by deleting “Residential density review”.

CARRIED**HO-2018-063****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by deleting “Beach access inventory”.

CARRIED**HO-2018-064****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by deleting “Marine/shoreline protection information and education” and replacing it with:

Description: Marine Protection

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

Trustee Law spoke to the motion, noting that this might include participation in the Baynes Sound Forum with K'ómoks First Nation's review of their Marine Use Plan initiative, and involvement with other groups such as Conservancy Hornby Island.

CARRIED**HO-2018-065****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by deleting “Farm policy and regulatory review” and replacing it with:

Description: Improving Bylaw Compliance

Activity: Explore with the community and staff, approaches to improve bylaw compliance.

CARRIED**HO-2018-066****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by deleting “Coastal Douglas Fir and associated ecosystem conservation”.

CARRIED**HO-2018-067****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Projects List be amended by adding:

Description: Regulation of Cannabis Production

Activity: A project to identify options for regulating Cannabis production and subsequent amendments to OCP and LUB.

CARRIED

HO-2018-068

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Projects List be amended by deleting "Development Procedures Bylaw".

CARRIED

HO-2018-069

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Projects List be amended by deleting "GHG Emissions Reduction" and replacing it with:

Description: Addressing Climate Change

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

CARRIED

Trustees requested that the Projects List be updated as soon as possible and posted to the Hornby Island webpage.

12.1.3 Hornby LTC 2014-2018 Term Goal Setting Session

Received for information.

12.1.4 Work Program - Suggestions for Discussion

Received for information.

12.2 Applications Report dated September 21, 2018

A Trustee asked for information regarding HO-ALR-2018.1 and Staff suggested that Planner Dubyna be contacted to discuss the application in more detail.

12.3 Trustee and Local Expense Report dated July, 2018

Received.

12.4 Adopted Policies and Standing Resolutions

Trustee Allen proposed that the LTC discuss Standing Resolution HO-2017-011.

Trustee Law declared a potential conflict of interest as the resolution applies to a property in which he has an interest; and he left the meeting at 2:30 pm.

HO-2018-070

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee extend the effective period of Standing Resolution HO-2017-011 to expire on October 31, 2020 or when the Housing Review Project is complete, whichever is the sooner.

CARRIED

Trustee Law returned to the meeting at 2:33 pm.

12.5 Local Trust Committee Webpage

Trustees requested that the updated Projects List be posted to the Hornby Island webpage.

12.6 Chair's Report

Chair Busheikin's report included the following key points:

- She attended the recent Trust Council and provided a summary of some agenda items discussed including potential changes to the *Local Government Act* and a round table on the issue of anchorages; and
- She noted that the 2014-2018 LTC term is coming to a close and expressed her appreciation for the opportunity to have worked in her capacity as a Vice-Chair of the Trust Council, for the privilege of Chairing the Hornby Island LTC and working with the Local Trustees and staff.

12.7 Trustee Reports

Trustee Allen reported on the following:

- Attended the September Trust Council;
- Contacted MLA Scott Fraser regarding the school fire; and
- Commented that he has enjoyed the experience of being a Local Trustee for the past two terms and hoped to be able to continue his work in this capacity.

Trustee Law reported on the following:

- Attended a BC Ferries Operations meeting with discussion including the topics of schedule and vessel changes to address the ongoing significant overload situation, and consideration of possible changes to allow commercial traffic on Dangerous Cargo sailings.

12.8 Electoral Area Director's Report - none

12.9 Trust Conservancy Report dated July, 2018

Trustee Law summarized Trust Conservancy issues and provided an update on changes occurring in staff and Board membership.

13. NEW BUSINESS

13.1 Regulation of Cannabis Production

13.1.1 Email dated September 5, 2018 from R. McCreary

Received.

13.3 2014 - 2018 LTC Term Summary - Staff Report

Trustees thanked staff for this informative Staff Report. They noted that Top Priorities and Projects were discussed and amended in agenda items 12.1.1 and 12.1.2.

HO-2018-071

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the "Top Priorities List" and "Projects List" as presented on September 28, 2018, for further consideration for by the incoming Hornby Island Local Trust Committee as amended.

CARRIED

13.4 2019 Age-Friendly Communities Grant Program - for Discussion

Website: <https://www.ubcm.ca/EN/main/funding/lgps/age-friendly-communities.html>

Program guide: <https://www.ubcm.ca/assets/Funding~Programs/LGPS/SHSI/afc-2019-program-guide.pdf>

Trustee Allen commented that the Age-friendly Communities 2019 Program provides a grant program to assist in facilitating the creation of age-friendly communities. He

suggested that a seniors' outdoor playground might be a project to pursue under this program.

Trustees discussed the matter with the following noted:

- An overview of the potential project might be presented to the Islands Trust Grants Administrator for discussion;
- Possible approaches might include a joint submission with another LTC, or partnering with a society such as Elder Housing or the Health Care Society; and
- Information gathered from this initial exploration might be brought forward to the next LTC or Resolution Without Meeting for consideration.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for November 30, 2018 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

Trustees confirmed the next regular meeting.

15. TOWNHALL – none

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2018-072

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)(d) for the purpose of adoption of *In-Camera* Meeting Minutes dated August 3, 2018 and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 2:55 pm.

16.2 Recall to Order

By general consent the meeting was recalled to order at 2:56 pm.

16.3 Rise and Report

Chair Busheikin reported that in the Closed Meeting, the LTC adopted minutes from the August 3, 2018 *In Camera* meeting.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:56 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder

**HORNBY ISLAND HOUSING SOCIETY
BOX 33
HORNBY ISLAND, BC**

Beulah Creek Village Development Update to Islands' Trust LTC

January 24, 2020

The Society is making good progress on finalizing a schematic design for the proposed Beulah Creek Village at 5040 Central Road. We have preliminary specifications for the necessary civil work. When BC Housing has given approval of the design plans and cost estimates, we will be ready and eager to apply to Islands' Trust for the required development permits for completion of the project.

We are in competition with many other 'shovel ready' project applications for the available funding from BC Housing. For our project to be successful, it is very important that we are granted Preliminary Project Approval (PPA) from BC Housing as soon as possible, before the available funding has all been allocated. We will be able to apply for PPA when we have the necessary development permits – at least at the application stage, if not actually in hand – hopefully in the very near future.

Hornby Island Housing Society is looking forward to the process of community engagement, and we hope to have a full discussion of the proposed development with all interested community members. BC Housing sets a very high bar in terms of efficiency, sustainability, and affordability, but we think that our team of architects and engineers have done some great work in finding a way to meet those standards while respecting Hornby values.

We understand that there is an apparently unresolved question on the current zoning for 5040 Central Road. Both the previous land owners (ISLA) and the current land owners (HIHS) understood that the land was zoned R3A-ISLA. In 2018, that appears to have been the understanding of the Island Trustees at the time, as well as the planner involved. Whether there is an issue with the LUB map, or with the process of applying R3A zoning to 5040 Central Road, we hope that the current Trustees will be able to help HIHS to resolve this issue as quickly as possible. We would mention that, in our understanding, all of the requirements and documentation necessary for rezoning from R3 to R3A, would be essentially the same material submitted for the Development Permits, Siting and Use Permits, and Housing Agreement required for completion of the proposed Village. We are happy to comply with what is required. It is only time that is in short supply.

Thank you very much for your consideration.

Yours sincerely,

Michael McNamara, Director HIHS Barbara Baird, Director HIHS

2013 – 2015 ISLA worked directly with Planner Rob Milne on parcel specific zoning for Community Housing at 5040 Central Road -- Beulah Creek Village.

- The intention was to prepare a rezoning application for an affordable housing project comprised of mixed rental and ownership housing.
- Working directly with Rob Milne, language is drafted for a new zone (R3A-ISLA) for Community Housing at 5040 Central Road including a few new definitions.
- Islands Trust Council sponsors the project and application fees are waived.

Planner Rob Milne suggested we fold the new zone (R3A-ISLA) into the upcoming bylaw review. We refine language and definitions. The R3A zone is inserted into the new bylaw package, and assigned to the Beulah Creek property.

- The intention was to streamline the zoning process saving time and resources, while eliminating the redundancy of overlap with DVP's and SUP.
- It was pointed out that technical, environmental, and community consultation issues will be satisfied by the required Development Permit processes, by the Siting and Use Permit application, and by the required housing agreement.

June 13, 2016 Islands Trust hosts a Housing Forum in Cowichan Bay bringing together trustees, planners, and islanders working toward solving the growing housing crisis on the islands. The forum recognized the challenges in creating affordable and accessible housing in island communities. Representatives of the Trust vowed to help community groups to work toward solutions.

Spring 2017 After years of effort, due to insurmountable infrastructure costs, ISLA is unable to create a privately funded affordable housing development at the Beulah Creek property. The latest plan, a strata title subdivision is abandoned along with its required bylaw revision application.

Later that summer ISLA approached BC Housing regarding partnership in developing Community Housing at Beulah Creek.

Summer/ Fall 2018 On advice from BC Housing and M'Akola Development Services, ISLA and Hornby Island Elder Housing join forces to become the **Hornby Island Housing Society**.

November 12, 2018 BC Housing accepts HIHS's application for development funding. HIHS is awarded a \$2.6 million grant and other funding aids to develop rental housing at Beulah Creek. The initial stage, Preliminary Development Funding (PDF), is intended to aid in creating professional level schematic designs and cost estimates.

December 21, 2018 HIHS engages M'Akola Development Services (MDS) as development consultant.

July 25, 2018 M'Akola seeks clarification regarding zoning: R3 or R3A?

- Conclusion, there was a possible oversight correctable by bylaw amendment.
- Emails attached.

September 25, 2018 Hornby Island LTC meeting. Concerning HO-2018-059:

- "Planner Rittemann advised that it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project."
- LTC passes resolution "to request staff to amend the Project charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map."
- Minutes attached.

Sep 2019 HIHS engages a full team of professional consultants – architects, engineers, environmental professionals – to produce preliminary designs and cost estimates for a 26 unit rental housing development at Beulah Creek.

- To be presented to BC Housing for approval soon.
- If approved, the project will proceed to the next stage, Preliminary Project Approval.
- Assuming zoning is in place.

Jan 10, 2020 HIHS and project team conference call with Planner Sonja Zupanek:

- The purpose of the call was to introduce the team, discuss DVP and SUP applications, and to inquire about progress on "Zoning Map amendment".
- During the call we were informed that before DVP and SUP applications, we must engage in an extensive process to apply R3A zoning to the Beulah Creek parcel – a process which may take up to 12 months.
- Meeting notes attached.

Jan 24, 2020 HIHS respectfully requests immediate action on applying the R3A – ISLA zoning to the Beulah Creek property. Without delay.

- It has been over a year since the resolution to correct the zoning error.
- Timing is now of critical importance.
- BC Housing funding is time sensitive.
- HIHS is extremely fortunate to have received early approval from BC Housing.
- There is tremendous competition for this funding initiative.
- A 12 month delay at this stage could easily derail this project.

Conclusion:

The fact that R3A-ISLA zoning has apparently not been applied to the Beulah Creek property on the zoning map (Schedule B) is either the consequence of a simple oversight, or perhaps the result of a lack of process. Either way the fact remains, 18 months after our sincere inquiry into the zoning status, we are still in limbo as to the correct zoning.

And now we have a significant problem in keeping this important project moving forward.

HIHS and our team of professional consultants are currently reviewing preliminary plans, engineering reports, and cost estimates for a 26 unit community housing village. Very soon we will be ready to apply for Development Permits, and a Siting and Use Permit. For this we need documentation of proper zoning.

The next step in our partnership with BC Housing – applying for Preliminary Project Approval – is extremely important in terms of ensuring the future of the project. In order to get to this crucial next step, we need to have the applications for DVP's and SUP in progress – if not actually in hand – and to do that we need to be zoned R3A.

HIHS and our development team are entirely committed to a transparent and professional approach to this project including thorough technical and environmental reports and community consultation as required throughout the process of obtaining Development Permits, Siting and Use Permits, and Housing Agreement.

It is our sincere hope that the Local Trust Committee can assist the Hornby Island Housing Society in bringing this important housing project into being by facilitating the zoning map amendment without delay.

From: [Heather Kauer](#)
To: [Lindsay Monk](#)
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED
Date: April 6, 2020 11:05:37 AM
Attachments: [image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image019.png](#)

Hi Lindsay – yes, we are starting a rezoning process because that is what’s required for R3A zoning to be applied to the property. Our position is that this isn’t something where we can just “fix” the map; the zoning of the property must be officially changed and there’s a specific process necessary for that to take place.

When the R3A text of the zoning bylaw was adopted, R3A zoning was not applied to the property. I talked to our Director, David Marlor, a week or so about this issue and he was clear that it was NOT a mistake or error but intentional. So now, for the R3A zoning to be applied to the property, we have to go through a rezoning process.

Sorry if that hasn’t been clear.

Heather

From: Lindsay Monk <lmonk@makoladev.com>
Sent: Monday, April 6, 2020 10:47 AM
To: Heather Kauer <hkauer@islandstrust.bc.ca>
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED

Hi Heather,

Thanks for this and my apologies for the delay.

I’d just like to clarify – my understanding is that all that is required is a map amendment to add the R3A zoning to the Beulah Creek property. The text of the R3A zone in the Hornby Island Land Use Bylaw No.149 exists and is sufficient for the proposed housing development.

When I read what you’re proposing below, it looks like re-starting a full rezoning process, unless I’m misinterpreting?

Ideally, a staff report could include a resolution in support of amending the map to add the R3A zoning and that resolution could be included in the May 1st agenda, following the process you’ve laid out below.

Does that make sense? Feel free to give me a call if it’s easier. I really appreciate your time on this, Heather, during what I’m sure is a very busy time. Thanks again.

Lindsay



Lindsay Monk, MA
Manager of Development
Comox Valley Branch
102-550 Goldstream Ave., Victoria, BC V9B 2W7
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From: Heather Kauer <hkauer@islandstrust.bc.ca>
Sent: April 3, 2020 9:53 AM
To: Lindsay Monk <lmonk@makoladev.com>
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED

Hi Lindsay – my plan at the moment, if you all are alright with it, is to have a staff report prepared for the LTC’s May 1st meeting in

which I recommend that the LTC direct staff to draft a bylaw to rezone the property to R3A. If they meet on the 1st, great, and if they don't, they could still pass a "resolution without meeting" so essentially pass the resolution by email. How does that sound to you and yours? I would have the staff report done by April 22nd and could provide you a copy. The idea is that the LTC would have a week to mull it over and then could pass a resolution on the 1st.

Thanks,

Heather

From: Lindsay Monk <lmonk@makoladev.com>
Sent: Friday, April 3, 2020 9:48 AM
To: Heather Kauer <hkauer@islandstrust.bc.ca>
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED

Hi Heather,

I hope you're keeping as well as can be expected and are safe and healthy.

I just wanted to follow up on the below and see if there are any updates? I realize this is a low priority in the current situation so no worries if not. We can connect later in April if that would work better.

Thanks

Lindsay



**MAKOLA
DEVELOPMENT
SERVICES**

Lindsay Monk, MA
Manager of Development

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From: Lindsay Monk
Sent: March 18, 2020 4:05 PM
To: 'Heather Kauer' <hkauer@islandstrust.bc.ca>
Cc: Becky McErlean <bmcerlean@islandstrust.bc.ca>
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED

Thanks Heather, that's great.

Stay safe and healthy! Talk soon.

Lindsay

From: Heather Kauer <hkauer@islandstrust.bc.ca>
Sent: March 18, 2020 3:56 PM
To: Lindsay Monk <lmonk@makoladev.com>
Cc: Becky McErlean <bmcerlean@islandstrust.bc.ca>
Subject: RE: Hornby Island Local Trust Committee Meeting-CANCELLED

Hi Lindsay – things are a bit up in the air at the moment, but assuming we will be able to meet in person for the May meeting, the agenda would include a HIHS delegation and the CIM for bylaws 161 and 162. We will explore options with the LTC in the next week or so regarding the R3A zoning and keep you posted.

Heather

From: Lindsay Monk <lmonk@makoladev.com>
Sent: Wednesday, March 18, 2020 3:28 PM

To: Heather Kauer <hkauer@islandstrust.bc.ca>
Cc: Graham Burns <gburns@makoladev.com>
Subject: FW: Hornby Island Local Trust Committee Meeting-CANCELLED

Hi Heather,

Thanks for the call on Monday – given that Friday's meeting is in fact cancelled, I just wanted to confirm that the May LTC meeting will have the Hornby Island Housing Society delegation included, as well as the Community Information Meeting regarding Bylaws 161 and 162?

Given this delay, I also wonder if it might be possible to add the R3A Zoning item to Proposed Bylaw 162 and circulate it so that it can form part of that Community Information Meeting?

I also note a couple of items in the agenda package from the cancelled March 2020 meeting that reference the R3A zone and subject property, so was just wondering if there was any update on either of these that you can share at this time?

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."		

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

Thanks Heather – feel free to give me a call anytime to discuss.

Best,
Lindsay



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Manager of Development

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Begin forwarded message:

From: "Islands Trust" <northinfo@islandstrust.bc.ca>
Subject: Hornby Island Local Trust Committee Meeting-CANCELLED
Date: March 17, 2020 at 6:35:02 PM PDT
To: joharrison@telus.net
Reply-To: northinfo@islandstrust.bc.ca

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17 - March - 2020

Meeting Cancellation

Hornby Island Local Trust Committee Meeting-CANCELLED

Please be advised that the Hornby Island Local Trust Committee Meeting scheduled for **March 20, 2020** has been **cancelled** due to concerns regarding COVID-19. Please visit our meeting calendar and the [Hornby Island Local Trust Committee Latest News](#) for ongoing information regarding upcoming Local Trust Committee meetings.

[Click here](#) to go to the meeting calendar and choose the date for more information.

Note: You will need pdf reading software to open this file.

Meeting Type: Regular Business Meeting - **CANCELLED**

Date: March 20, 2020

Time: 11:30 AM

Location: Room to Grow, 2400 Sollans Road, Hornby Island

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From: [Heather Kauer](#)
To: [Lindsay Monk](#)
Subject: follow up
Date: April 15, 2020 4:21:20 PM

Hi Lindsay – sorry I didn't get back to you on this sooner, but here's my follow-up on our conversation yesterday:

The OCP would have to be amended before we could issue a Development Permit application if the application is inconsistent with DPA 5. The rezone of the property to R3A could happen without an OCP amendment.

Thanks,

Heather Kauer, RPP, MCIP, AICP
Regional Planning Manager
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3
Phone: 250-247-2209
Mobile: 250-816-1289
Enquiry BC Toll-free call 1-800-663-7867 or
from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

6.9.2.4 Mt. Geoffrey Escarpment Development Permit Area

Purpose:

The Mt. Geoffrey Escarpment Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity, to establish objectives to promote water conservation and for protection of development from hazardous conditions.

Area

DPA 4: Mt. Geoffrey Escarpment Development Permit Area as shown on Schedule E.

Objective:

The Mt. Geoffrey escarpment area contains watershed, wetlands, areas of land slip, areas of high visibility and high scenic values. Any development could affect the water catchment capabilities and other natural values. The removal of tree cover could adversely affect all values and be hazardous for development in the area, as well as above and below the area.

6.9.3 Form and Character of Community Housing Development Permit Area

Area

DPA 5: Property described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan VIP87990 (5040 Central Road)

Justification

The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible. The build-out of this development is expected to occur in a series of phases. The designation of this property and the following guidelines are intended to ensure a consistent quality and form and character of development over the build-out period as well as provide the general community with an assurance as to the vision for the project.

Guidelines

1. Form and Character

- a. All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility within the development.
- b. The siting and location of all buildings and structures shall be in compliance with the drawings and schedules approved by the Hornby Island Local Trust Committee.

2. Landscaping

All landscaping shall be required to be in general compliance with the landscaping provisions identified on any schedules approved by the Local Trust Committee.

3. Construction Phase

- a. All construction must be completed in accordance with an approved site/building plan and an erosion and sediment control plan.
- b. Construction of the development shall take place during the working hours of 7:00 a.m. to 7:00 p.m.

4. Outside storage

- a. Centrally located recycling facilities shall be provided for the use of all residents within the development.

5. Screening

- a. The character of the development shall be enhanced by landscaping of substantial proportions incorporating existing native vegetation,

- b. Buildings shall be sited to ensure that any adjacent residential structures have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into adjacent residential structures or to reduce the separation effectiveness of any landscaped buffer.
- c. All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2 metres (6.6 feet) in height.

6. Parking

- a. The location and number of parking spaces for the use of the residents shall be provided on the site development plans for the approval of the Hornby Island Local Trust Committee and shall be in compliance with the provisions of the Hornby Island Land Use Bylaw.
- b. Any visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.
- c. Any paved parking areas or roadways shall be included within the context of the required stormwater management plan.
- d. Automobile parking areas may be covered with a select granular base approved by the Ministry of Transportation and Infrastructure and provide storm water controls by means of perimeter curtain drains.

7. Stormwater

- a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact; and the presence of Beulah Creek alongside the development; a stormwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season shall be required. This stormwater plan shall be prepared by a Professional Engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as deemed suitable and consistent with best management practices. Stormwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

BL151 JUN/2016

6.9.4 DEVELOPMENT PERMIT AREA NO. 6: Riparian Areas

Purpose

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

Area:

Development Permit Area No. 6 includes all land designated on Schedule -- of this plan as being within the Riparian Areas DPA. This DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule - as "RAR applicable" streams, major wetlands, and lakes as the term "streams" is defined in the *Riparian Areas Regulation, BC Fish Protection Act*, which includes any of the following that provides fish habitat:
 - a watercourse, whether it usually contains water or not;
 - a pond, lake, river, creek or brook; and
 - a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

From: Donald Gutstein [REDACTED]
Sent: Sunday, April 26, 2020 9:14 PM
To: Heather Kauer <hkauer@islandstrust.bc.ca>
Subject: Subdivision application 1410 Carmichael

Heather Kauer
Regional Planning Manager
Northern Team

Letter to Accompany Subdivision Application HO-SUB-2020.2 For May 1, 2020 LTC Meeting

To Hornby Island LTC:

Since we cannot be present to answer questions, we are submitting this letter to accompany our application.

We have owned the 4.37-hectare property at 1410 Carmichael Road (PID: 000-095-869) for 29 years. In December 2019 we applied to MOTI to subdivide the property into two lots under the R2 (Large Lot) zoning. On March 3, 2020, we received a note from Islands Trust planner Ian Cox telling us we cannot subdivide because the lot is over 4 hectares, meaning that two dwelling units are permitted (8.2(2)(b)), and for any lot where two dwelling units are permitted the lot must be at least 8 hectares (8.2(9)).

It seems the bylaw allows two permitted dwellings on one lot over 4 hectares, but not two permitted dwellings on two lots that add up to exactly the same size.

We are surprised by this provision in the bylaw, since it would disallow any subdivision unless it is at least 8 hectares in size of which there are few such properties on the island.

Such an interpretation seems to fly in the face of the purpose of the new land use bylaw which, according to then-trustee Tony Law, in an email sent to us on October 17, 2016 (CC'd to Trustee Allen and Planner Rob Milne), was to permit "increased opportunities for subdivision under our local zoning regulations." [email available]

Given our understanding that a two-lot subdivision was allowed on properties over 4 hectares, we have followed the steps for subdivision. We installed a new septic field (Dale Armstrong and Shannon Cupper), engaged a surveyor to prepare a draft subdivision plan (Sandy Grant) and a wastewater expert to prove the septic field capacity for the new lot (Steve Carballeira). We submitted the application in good faith.

We should note that the proposed subdivision for 1410 Carmichael would not be creating a precedent for that area of R2 zoning.

If the application hinges on the existence of two legal dwellings on the property, we attest that there have never been two legal dwellings on the property in the 29 years we have owned it.

If the current zoning does not allow for the subdivision of 1410 Carmichael then we wish to apply for a variance of the bylaw or a rezoning of the property.

Thank you for your attention to this matter.

Yours sincerely

Mae Burrows and Donald Gutstein



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 Keats. 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

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2020.1	Savoie, Mary	15-Apr-2020	PID: 001-186-434 Active farming & market gardening, applying to build a house. Civic address: 70 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date:



Applications

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.

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

Status Date: 16-Mar-2020

Received revised copies of plans (site, building, landscaping).

Status Date: 10-Mar-2020

Received copy of Crown tenure.

Status Date: 25-Feb-2020

Waiting on applicant for revised plans and update on Crown tenure.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.1	School District No. 71 (Bradley Shuya Architect Inc.) Planner: Bronwyn Sawyer Planning Status	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.
<u>Status Date:</u>			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.3	Hoerbarger Land Surveying Planner: Bronwyn Sawyer Planning Status	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.
<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			



Applications

Development Variance Permit

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

Status Date: 16-Mar-2020

Received revised copies of plans (site, building, landscaping).

Status Date: 20-Jan-2020

Planner reviewing file.

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: 13-Mar-2020

Under review by staff - in contact with applicant regarding need for DVP issuance prior to HO-SUP-2020.1 approval. Waiting for further information from applicant.

Status Date: 02-Mar-2020

File transferred from Jaime to Ian due to workload shift.

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.2	School District No. 71 (Bradley Shuya Architect Inc.	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date:



Applications

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).

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)	04-Feb-2019	PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-May-2019

Under review

Status Date: 01-May-2019

Applicant to provide further information

**Applications****Siting and use Permit**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.11	Savoie, Elaine & Mary	05-Nov-2019	PID: 001-186-434 Building SFD. Civic address: 2555 West Carmichael Road, Hornby Island, BC.

Planner: Ian Cox**Planning Status****Status Date:** 18-Feb-2020

Applicant is actively working with ALC staff.

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.

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:** 04-Mar-2020

Waiting on applicant for further information

Status Date: 02-Dec-2019

See HO-DP-2019.4

Status Date: 01-Oct-2019

Planner review



Siting and use Permit

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: 13-Mar-2020

Under review by staff - in contact with applicant regarding need for HO-DVP-2020.1 issuance prior to SUP approval. Waiting for further information from applicant.

Status Date: 02-Mar-2020

File transferred from Jaime to Ian due to workload shift.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.3	Kiss, Michael & Susan	24-Mar-2020	PID: 000-157-562 Building a barn on ALR property. Civic address: 5775 St. John's Point Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 02-Apr-2020

Under staff review.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.4	Benson, Philip	20-Mar-2020	PID: 002-657-899 Addition to cabin. Civic address: 6285 St. John's Point Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 02-Apr-2020

Under staff review.

**Applications****Siting and use Permit**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.5	School District No. 71 (Bradley Shuya Architect Ind.) Planner: Bronwyn Sawyer	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.
Planning Status			
<u>Status Date:</u>			

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerbarger Land Surveying Planner: Bronwyn Sawyer	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.
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 outcome of HO-ALR-2018.2 and HO-DVP-2017.3			



Applications

Subdivision

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: 13-Mar-2020

Under review by staff. Waiting on applicant decision regarding next steps.

Status Date: 05-Feb-2020

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

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

Status Date: 13-Mar-2020

Under review by staff. Waiting on applicant decision regarding next steps.

Applications

Temporary and Industrial Use Permit

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

Planner: Jaime Dubyna

Planning Status

Status Date:

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

635 Hornby	Invoices posted to Month ending February 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	503.33	-253.33
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,606.00</u>	<u>3,866.08</u>	<u>-260.08</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