

Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: March 24, 2023
 Time: 11:30 am
 Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

Pages

1. **CALL TO ORDER** 11:30 AM - 11:35 AM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT - In-camera meeting January 20, 2023**
4. **REPORTS** 11:35 AM - 11:55 AM
 - 4.1 **Trustee Reports**
 - 4.2 **Chair's Report**
 - 4.3 **Electoral Area Director's Report**
5. **PUBLIC COMMENTS** 11:55 AM - 12:10 PM
6. **DELEGATIONS - none**
7. **MINUTES** 12:10 PM - 12:15 PM
 - 7.1 **Local Trust Committee Minutes dated January 20, 2023 - for adoption** 4 - 14
 - 7.2 **Local Trust Committee Community Information Meeting Minutes dated February 27, 2023 - for adoption** 15 - 21
 - 7.3 **Section 26 Resolutions-without-meeting Report dated March 14, 2023** 22 - 22
 - 7.4 **Advisory Planning Commission Minutes dated February 23, 2023 - for information** 23 - 28
8. **BUSINESS ARISING FROM MINUTES** 12:15 PM - 12:30 PM

8.1	Follow-up Action List Report dated March 14, 2023	29 - 30
9.	APPLICATIONS AND REFERRALS	12:30 PM - 12:45 PM
9.1	<i>HO-DP-2023.1 (Hornby Island Arts Council) - Amending HO-DP-2017.2</i>	31 - 61
10.	LOCAL TRUST COMMITTEE PROJECTS	12:45 PM - 1:00 PM
10.1	Hornby Official Community Plan Project Status Update - verbal update	
~ BREAK 1:00 PM - 1:30 PM ~		
11.	CORRESPONDENCE	1:30 PM - 1:45 PM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11.1	Email dated January 13, 2023 from J. Kennedy regarding Proposed Rogers Cell Tower	62 - 63
11.2	Email dated February 15, 2023 from S. Warwick regarding Streamlining the Variance Process	64 - 64
11.3	Email dated March 9, 2023 from T. Law regarding Temporary Use Permits & Short Term Vacation Retals	65 - 73
12.	NEW BUSINESS	1:45 PM - 2:00 PM
12.1	Freedom of Information and Protection of Privacy Bylaw - Request for Decision	74 - 79
13.	REPORTS	2:00 PM - 2:10 PM
13.1	Trust Conservancy Report dated February 15, 2023	80 - 81
13.2	Applications Report dated March 14, 2023	82 - 85
13.3	Trustee and Local Expense Report dated January 2023	86 - 86
13.4	Adopted Policies and Standing Resolutions	87 - 91
13.5	Local Trust Committee Webpage	
14.	WORK PROGRAM	2:10 PM - 2:30 PM
14.1	Active Projects Report dated March 14, 2023	92 - 92
14.2	Future Projects Report dated March 9, 2023	93 - 94
15.	UPCOMING MEETINGS	

15.1 Next Regular Meeting Scheduled for Friday, May 5, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

16. ADJOURNMENT

2:30 PM - 2:30 PM

Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: January 20, 2023
Location: Electronic Meeting

Members Present: Alex Allen, Local Trustee
Grant Scott, Local Trustee
Timothy Peterson, Chair

Staff Present: Sonja Zupanec, Island Planner
Renee Jamurat, Regional Planning Manager
Katherine Vogt, Recorder
Wil Cottingham, Administrative Assistant

Others Present Daniel Arbor, Electoral Area A Director,
Patricia Maloney, Planner/Consultant
Sharon Horsburgh, Planner/Consultant
Brian Gregg, Consultant for Rogers Communications
Approximately fourteen (14) 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 Peterson called the electronic meeting to order at 11:32 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Regional Director and welcomed members of the public.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT

None.

4. REPORTS

4.1 Trustee Reports

Trustee Allen spoke on the following:

- Acknowledgement of Coast Salish First Nations.
- Numerous Islands Trust orientations and webinars attended in the new term.
- Becoming Vice-Chair of the Trust Programs Committee.
- Being a member of the Regional Planning Committee.
- Welcoming new Chair Peterson and looking forward to the new term.

Trustee Scott spoke on the following:

- Acknowledgement of Kitasoo First Nation of the Great Bear Rain Forest where he was currently visiting.
- Welcoming existing staff, Director Arbor, new Regional Planning Manager Jamurat, and new Chair Peterson.
- Issues regarding the new proposed cell tower and the Thatch.
- The Herring Forum upcoming in early March will be exciting and is set to include the Kitasoo First Nations Chief and his contingent; a speaker on historic weirs in the Comox estuary; and possibly a speaker from K'ómoks First Nation.
- Attendance as a Trust advisor on the Ferry Advisory Committee will pass to Trustee Allen for the new term.
- Recent election to the Trust Conservancy.
- Thank-you to all Advisory Planning Commission (APC) members for their hard work over the last term.

4.2 Chair's Report

Trustee Peterson spoke on the following:

- Looking forward to being the new Chair of the Hornby Island Local Trust Committee and learning about issues of concern to the Island.

4.3 Electoral Area Director's Report

Director Arbor spoke on the following:

- Congratulations to Trustees Allen, Scott and Peterson on their re-elections to the Islands Trust.
- In the last term, the format of at least one meeting per year between Islands Trust staff and the Comox Valley Regional District (CVRD) has worked well, and it is hoped that members of the Hornby Island Housing Society could be invited to attend as well to better plan for funding opportunities.
- Ongoing work on septic regulation and education across the CVRD; and recent contamination outbreaks in the local marine environment.
- Open to suggestions for initiatives in the Hornby Coop area.
- As a representative with the Federation of Canadian Municipalities, recent negotiating of infrastructure funding agreements for community building and climate change funds.
- Many local communities are wanting to see safety and walkability improvements in their busy neighborhood core areas.

5. PUBLIC COMMENTS

Members of the public spoke on the following:

- Congratulations to returning Trustees Scott and Allen, and welcome to the new staff.
- The proposed cell tower should be delayed until 6 months after the City West fibre optic line is in place; and the notification area requirement in the Model Cell Tower Strategy should be enlarged to a 1000 metre circumference to include the school and community hall. Hornby's rural quality of life should not be sacrificed for convenience.
- The Hornby Depot staff of 7 requested that CUPE Local 556 send a letter of concern of a safety code 6 regarding the extreme closeness of the proposed cell tower to the depot and have received a response from Brian Gregg.

6. DELEGATIONS

6.1 **Hornby Island Community Hall Committee and/or Hornby Island Residents and Ratepayers Association (HIRRA) regarding Establishing a Community Heritage Register for Hornby Island**

Margaret Birch, member of the HIRRA Community Hall Committee, delivered a power point presentation on the efforts to date to establish a Community Heritage Register on Hornby Island, noting the following:

- The Heritage Register would recognize and celebrate historic places on Hornby: the Community Hall, School House, and Room to Grow would be prioritized; future consideration could be given to private heritage homes and historic barns.
- Funding from the CVRD of \$4200.00 to prepare the first step 'cultural heritage statement of significance' is available from April 2023.
- The Community Hall Committee is seeking renewed support from the Local Trust Committee (LTC) and a modest amount of time and budget from planning staff to enable the accessing of the CVRD funds.
- The Heritage Register and the establishment of a Heritage permit process will need to be developed and administered by the Islands Trust.

Trustees discussed the feasibility of taking on the Heritage Registry as the chosen small project for the current term. Further discussion was deferred to agenda Item 10.1.

7. MINUTES

7.1 **Local Trust Committee Special Meeting Minutes dated October 6, 2022 - for adoption**

By general consent the Local Trust committee meeting minutes of October 6, 2022 were adopted.

7.2 **Section 26 Resolutions-without-meeting Report dated January 12, 2023**

Received.

7.3 **Advisory Planning Commission Minutes - none**

8. BUSINESS ARISING FROM MINUTES

8.1 **Follow-up Action List Report dated January 12, 2023**

Received.

9. APPLICATIONS AND REFERRALS

9.1 **Denman Island Local Trust Committee Referral for Response regarding Bylaw Nos. 228 and 229**

Planner Zupanec explained that the two Denman Bylaws represented years of work on aligning regulations on Denman land within the Agriculture Land Reserve (ALR) with new Agriculture Land Commission (ALC) regulations; and clarified the regulations of farming activities outside of ALR land.

HO-LTC-2023-001

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee requests staff to advise the Denman Island local Trust Committee that their interests in proposed Bylaw No 228 and 229 are unaffected.

CARRIED

By general consent, the meeting was recessed at 12:19 pm and reconvened at 12:28 pm.

By general consent, Trustees addressed agenda Items 13 and then 11 before Item 10 to allow for Consultants' availability.

Consultants Patricia Maloney and Sharon Horsburgh joined the meeting at 1:16 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1.1 Comprehensive Official Community Plan Review - Staff Report

Planner Zupanec presented a status update report on the Official Community Plan (OCP) and Land Use Bylaw (LUB) Review project.

Consultant Maloney and Trustees discussed the previous electronic public engagement and next steps in the consultation process.

Planner Zupanec noted that there was approximately \$5000.00 remaining in the budget for consultants' engagement with the APC and one more electronic meeting with the community. Very recent correspondence from the community was requesting that the APC engagement be expanded to include other community groups.

APC Chair, Wendy Burton was invited by Trustees to speak to the proposal to invite outside groups to the upcoming meeting between the APC and Consultants. She noted the following:

- members of the community had been invited to attend APC meetings and correspond with the APC throughout their referral process, especially members of the Hornby Housing Society, Hornby Island Community Economic Enhancement Corporation (HICEEC), and Hornby Island Short Term Rentals Association (HISTRA) were invited and did participate with a voice but no vote throughout the entire APC meetings process.
- the APC have been silenced and excluded for months from the discussion by not being able to communicate directly with the consultants.

HO-LTC-2023-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration.

CARRIED

HO-LTC-2023-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, but after the Advisory Planning Commission meeting, to solicit public input on options to regulate Short Term Vacation Rentals.

CARRIED

HO-LTC-2023-004

It was MOVED and SECONDED,

that a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the review project.

CARRIED

HO-LTC-2023-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project.

CARRIED

Planner Zupanec noted that an \$8000.00 business case for March Trust Council approval, if approved, would allow forward movement on existing LTC projects.

Consultants Patricia Maloney and Sharon Horsburgh left the meeting at 1:56 pm.

11. CORRESPONDENCE

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

11.1 Letter dated December 1, 2022 from E. Hoeppner of Aquarian Systems Ind. regarding Siting of Water Cisterns

Planner Zupanec noted that other Trust jurisdictions had excluded cisterns from setbacks in their LUB for greater siting flexibility on small lots; and that Initiating a small LUB amendment for cisterns could be accomplished with minor public engagement within the fiscal year within the \$5000.00 budgeted for a single yearly allowable minor LTC project.

HO-LTC-2023-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee asked staff for analysis on resources and funding in adding 'Heritage Registry' and 'Excluding cisterns from the setback requirement' and adding to the projects list by next meeting.

CARRIED

By general consent, the meeting was recessed at 12:53 pm and reconvened at 1:16 pm.

12. NEW BUSINESS

12.1 Local Trust Committee Meeting dates for 2023 - for consideration

HO-LTC-2023-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: March 24, May 5, June 16, September 8 and November 3.

CARRIED

Planner Zupanec advised that in person meetings were dependent upon meeting venues being booked far in advance of the actual meeting.

Chair Peterson offered that he was very amenable to in person meetings and acknowledged that it was easier to pivot from an in person to an electronic meeting, but almost impossible the other way around.

12.2 Local Trust Committee Projects and Priorities - Staff Report

Planner Zupanec presented the staff report which asks Trustees to review and endorse the current Active and Future Projects List-previously called the Top Priorities and Projects List; or provide direction for any changes to it.

A Trustee noted that the four-corners issue was missing from the list.

HO-LTC-2023-008

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee advise staff to defer item 12.2 until the next regular meeting.

CARRIED

A Trustee requested that the-updated Projects list for next meeting, including the Four-Corners item, be provided to Trustees prior to the next meeting by email.

Consultant Brian Gregg joined the meeting at 2:20 pm.

12.3 Rogers Cell Tower Proposal – Update

Planner Zupanec introduced the Consultant for Rogers Communications, Brian Gregg, noting that he had undertaken the community consultation and notification portion of the application process for the proposed 63 metre tower on Hornby Island, consistent with Federal requirements; and that he could answer to Trustees the extent to which the Islands Trust Model Cell Tower Strategy was not aligned.

A Trustee questioned that the Islands Trust Model Cell Tower Strategy had been voted on and adopted by the Hornby LTC in September of 2022, so why was it overlooked by the consultant who defaulted to the Federal strategy instead? The consultant explained that prior to the departure of the previous Islands Trust Regional Planning Manager, ROGERS was not informed that the strategy had just been adopted by the LTC.

Consultant Brian Gregg noted the following:

- Previous experience with the Hornby community on a Telus application for a Cell Tower on Hornby informed the consultant that extra time and attention would be needed to ensure a responsible, acceptable location for the tower.

- The consultant insisted that Rogers rereview its proposed locations for the benefit of public acceptance.
- A first proposed Firehall location was rejected by the Province based on strict Crown Grant regulations that permit only one user on the land.
- The present proposed site for the Cell Tower has been vetted through consultation with the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) as having no other known applications or conflicts.
- Many months of consultation with the former Islands Trust Regional Planning Manager, Heather Kauer took place before the Hornby LTC adopted the Model Cell Tower Strategy. The manager did not inform ROGERS upon their departure that the strategy has just been adopted by the LTC.
- The Rogers application file was handed to Acting Regional Planning Manager Zupanec, who was also working under the original advice of staff that the Federal consultation process was in effect.
- Besides the Crown Application, referrals have been sent to 10 First Nations. K'ómoks First Nation, identified as a key stakeholder, has responded.
- The Innovation, Science and Economic Development Canada default federal consultation process was then initiated because we were unaware of their being a local protocol model.
- The federal default and local protocol model are almost the same, involving newspaper notices, Trustees discussions, notices in 4 local publications, mail-out notifications to anyone within a radius of 3 times the proposed Tower height, the last of which is the Federal requirement but could be added to.
- ROGERS exceeded Federal requirements by conducting a digital public meeting, which complies with the LTC strategy.
- Planner Zupanec has advised of ROGERS needing to introduce the project at this LTC meeting to comply with the local protocols.
- The comment period for the public meeting formally closed on the 13th but a Crown application can take over a year, so there is no pressure to end public discussion.
- Approximately 130 total public comments have been received to date; roughly 1/3 support, 1/3 oppose, and 1/3 neutral or asking for information.

Trustees asked the following questions and Brian Gregg provided the following answers:

- What is the difference between a Crown Grant and Crown Land?
 - The Province is clear that entities that are granted land for a specific purpose are not to sub-lease that land, especially if profit is involved. Small airports in remote areas are prohibited from even having a café on them. On general Crown lands, where there are no designated uses, one must submit a license application and wait while the Crown sends out multiple referrals
- The Tower is too close to the depot, school and community hall. Can it be pushed back further into the Crown land?
 - The present proposed location is not the only possibility. It was chosen for existing road and power accessibility to minimize the ecological footprint and avoid having to cut trees. A new location would necessitate an entirely new application process so would need substantial merit.
- What was the response from K'ómoks First Nation?

- They essentially provided a non-comment while asserting their rights to the land into the future, which is a common response. If there is opposition, they are usually quite clear.
- What was Rogers Communications' response to the community request to hold a public meeting at the Hall about the Cell Tower?
 - An in-person meeting is reasonable but a prior public meeting experience on Hornby was disorderly. Also, security threats are a concern.
- A Trustee had been unable to get into the electronic public meeting session; and off-island residents may have also missed it.
 - Another electronic session could be provided.
- How much coverage would the Cell Tower provide and how many customers were with Rogers?
 - It was not personally known how many Rogers customers there were, but Telus was applying for co-location of the Cell Tower which would cover Telus, Rogers, Bell, Fido, Public Mobile, Chatter and many other subsidiaries. Carriers are required to cooperate on Cell Towers. The only locations on Hornby that may not be reliably covered are the upper portions of Mount Geoffrey and the seawater level point of Helliwell Park. Coverage maps can be provided on request.
- Could the Cell Tower cause broadcasting interference for the radio station?
 - A letter from the radio station was received by Rogers who responded. Basically, the 2 systems are on different frequencies and should not interfere.
- What about 911 calls?
 - He was not personally sure if Cell Towers on Lasqueti or Texada could route 911 calls; but a Cell Tower on Hornby would allow 911 calls for anyone with a cell phone, with or without a cell plan.
- What about migratory and other birds and the impact of 24-7 lighting of the Tower.
 - Rogers had applied to Transport Canada for no marking and lighting and expect to be agreed to because no aircraft would be likely to fly so low because of the height of Mount Geoffrey. Birds are most likely to be confused by flashing lights and wind turbines. Cell Towers are not generally required to conduct environmental impact assessments.
- The site of the Cell Tower had been proposed for a significant Community Housing project so there would be a lot of public resistance.
 - Rogers does not want to conflict with a housing application; but no application existed prior to Rogers' application. Also, the lot is 200 acres and Rogers only needs a small 15x15 meter compound with underground electrical wiring to the site.
- Could the application be paused until after fibre-optic had been established?
 - Fibre-optic is a wonderful service but does not replace the need for mobile cell service.
- Chair Peterson asked what the Federal consultation standard lacks as compared with the local trust consultation protocols and could Rogers make up the difference?
 - Brian Gregg responded that the main difference is that the Hornby protocol requires a public information session which Rogers has done. The notification radius process may be different and further notification could be done. There is plenty of time to fill any gaps and apologies are offered if the process seemed

rushed. A large amount of effort over many months has already gone into the process.

HO-LTC-2023-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to work with applicant Rogers on a report regarding steps the applicant has taken to date and their consistency with the Model Cell Tower Strategy.

CARRIED

Trustee Scott abstained.

Planner Zupanec noted that time spent on a summary report by planning staff would be considered routine for applications processes and would not detract from staff work on other Hornby major and minor projects.

Chair Peterson thanked Consultant Brian Gregg for presenting and answering questions.

Consultant Brian Gregg left the meeting at 3:45 pm.

By general consent, the meeting was recessed at 3:46 pm and reconvened at 3:51 pm.

12.4 Possible Amendments to the Model Strategy for Antenna Systems

Chair Peterson spoke on his recent letter to Planner Zupanec regarding the recent Salt Spring Island Local Trust Committee resolution that added more robust First Nations and BC Archaeological Branch requirements to their Tower Siting protocols.

Trustees received Chair Peterson's letter for information.

13. REPORTS

13.1 Trust Conservancy Report dated October 6, 2022

Received

13.2 Applications Report dated January 12, 2023

Received

13.3 Trustee and Local Expense Report dated November, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

Trustees discussed the recent election of the new Chief for K'ómoks First Nation.

Planner Zupanec noted that Trust Area Services was taking the lead in communications with K'ómoks First Nation.

HO-LTC-2023-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee requests that staff write a letter to the K'ómoks First Nation new Chief and Council reintroducing Trustees and Staff; and provide a schedule of Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities.

CARRIED

A Trustee added that the letter should begin by congratulating the new Chief and Council on their recent election.

13.5 Local Trust Committee Webpage**14. WORK PROGRAM****14.1 Active Projects Report dated January 12, 2023**

Planner Zupanec noted that for the next agenda, the Active and Future Projects Lists would be corrected where necessary.

14.2 Future Projects Report dated January 12, 2023

Received.

15. UPCOMING MEETINGS**15.1 Next Regular Meeting Scheduled for Friday, March 24, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC****16. CLOSED MEETING****16.1 Motion to Close the Meeting****HO-LTC-2023-011**

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering (a) appointments to the Advisory Planning Commission and Appointments to the Board of Variance and (d) adoption of In-Camera Meeting Minutes dated September 9, 2022 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 3:58 pm.

16.2 Recall to Order

There was no recall to order.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:31pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder

DRAFT



Hornby Island Local Trust Committee

Minutes of Community Information Meeting

Date: February 27, 2023

Location: Electronic

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Sonya Zupanec, Island Planner and Meeting Host
Renee Jamurat, Regional Planning Manager
Katherine Vogt, Recorder

Others Present Patricia Maloney, Planner/Consultant
Sharon Horsburgh, Planner/Consultant
Approximately One Hundred Sixteen (116) members of the public

1. CALL TO ORDER

Chair Peterson called the meeting to order at 4:04 pm. He noted that the Community Information Meeting was focusing on the topic of Short Term Vacation Rentals. He acknowledged that the meeting was being held in territory of the Coast Salish First Nation and welcomed Trustees, Staff, Consultants, and Members of the Public.

2. OFFICIAL COMMUNITY PLAN AMENDMENT REVIEW PROJECT-SHORT TERM VACATION RENTALS

2.1 Presentation by Patricia Maloney, Planning Consultant

Consultant Maloney presented by PowerPoint a summary of recent engagement activities; and offered three options for future managing of Short Term Vacation Rentals (STVRs):

- Option 1: No change to the current bylaws: STVRs remain permitted in R1, R2, R4, and A1 and are Bylaw Enforced in unpermitted zones.
- Option 2: Comprehensive Change: remove STVRs in all zones; existing STVRs to become legal non-conforming; allow new STVRs through Temporary Use Permits (TUPs); allow existing illegal STVRs one year to apply for TUP before bylaw enforcement; allow TUPs on 3-year terms with one renewal and possibility for spot zoning if there are no complaints; allow one Additional Dwelling Unit (ADU) on every residential property.
- Option 3: Changes so that there are no new STVRs: remove STVRs as permitted uses in all zones and enforce bylaws to remove illegal STVRs.

Consultant Maloney noted the following:

- The current number of STVRs on Hornby is unknown.
- Numbers of guests in an STVR cannot be controlled. The Vancouver Island Health Authority (VIHA) controls septic and water capacity issues through numbers of bedrooms.
- Islands Trust cannot issue business licenses and the Regional District (RD) has indicated unwillingness to do so.
- Current bylaws allow only 1 STVR per property.
- There is no clear proof that STVRs take long-term rentals off the market.
- STVRs avoid engagement with the Provincial Landlord and Tenant Act.
- ADUs may be attached to, inside of, or detached from the primary home.
- STVRs and Bed and Breakfasts are considered residential, not commercial, under the Provincial Water Act.

Planner Zupanec clarified that past reviews of the Hornby Official Community Plan (OCP) occurred in 2010 and 2017. The OCP Bylaw Amendment Table outlines the dates of the adoptions of OCP amendments.

Consultant Maloney noted that most municipalities allow STVRs in some form and many municipalities allow ADUs. The use of TUPs is applied on Gabriola and Salt Spring Islands, whereas in other jurisdictions STVRs and ADUs are zoned in and approved. Vancouver Island is a very popular place to have STVRs.

Planner Zupanec launched an electronic 'Overview of Options Poll' which asked meeting attendants to choose just one of the three consultants' options or 'none of the above;' and then asked for those who chose 'none of the above' what their preferred method of engagement was for LTC future review of other options: email or phone Trustees or speak at the next LTC meeting.

Planner Zupanec noted that the poll showed the following:

- an 85% participation rate
- 49% in favor of 'No change to the current OCP policies and Land Use Bylaw (LUB) regulations.'
- 21% in favor of 'Require a TUP for any NEW short term vacation rentals as a permitted use and enforce any NEW STVRs (existing ones could continue as legal non-conforming).'
- 18% in favor of 'Remove short term vacation rentals as a permitted use and enforce any NEW STVRs (existing ones could continue as legal non-conforming).'
- 12% in favor of 'None of the above, need a different approach!'
- 47% of the 'none of the above' choosers would directly contact the LTC.
- 23% of the 'none of the above' choosers requesting an additional community information meeting.

Consultant Maloney noted that consultants would consider all further public input and prepare a recommendations report on the four topic areas: Indigenous Communication, Riparian Areas, Affordable Housing, and Short Term Vacation Rentals for the LTC for March 2023. She invited members of the public who may be uncomfortable speaking in the forum to go to chat and send their comments directly to the host where they will be kept private for later review.

2.2 Question and Answer Session

Members of the public noted or asked the following:

- Aquifers being depleted in high STVR neighbourhoods.
- Request that Consultants review limits to STVRs on other islands.
- Why are ADUs not included in option 2 and 3?
 - Consultant Maloney responded that this option could be added to any option and was a significant future discussion issue.
- How much influence and weight have Hornby Island Economic Enhancement Corporation (HICEEC) and Hornby Island Short Term Rentals Association (HISTRA) been given in terms of final decisions on what to do?
 - Consultant Maloney responded that written submissions from HISTRA, several residents and the APC have been received. HISTRA had many people speak at the October 6, 2022 meeting, but this is the extent of their organized response.
 - The member of the public responded that he gets a different sense than the consultant's perspective.
- Chat is presently disabled; it needs to be fixed.
- How successful has the pillow tax been and how is it enforced?
 - Consultant Maloney noted that she did not believe that the Gulf Islands permitted various tourism and speculation tax options that occur in other municipalities.
 - A Trustee asked if Karen Ross could address the pillow tax question.
 - Speaking as a representative of HICEEC which had been put on the speakers list, Karen Ross read from a prepared letter from the board of HICEEC, noting the following:
 - At their February 21, 2023 APC meeting, the APC shared that their primary intention in removing STVRs as a legal use in the OCP and LUB was to support the creation of long-term rental housing, not eliminating or curtailing STVR's. HICEEC appreciates this clarification and supports both STVRs and long-term affordable housing; but believes that STVRs are being unjustifiably targeted for the lack of affordable housing. Most Current STVR operators are local community members, not investors, so their shutdown would not likely increase affordable housing.
 - The Provincial Residential Tenancy Act, amended in May of 2018 to preclude fixed term contract rentals, effectively ended the historic Hornby practice of part-time summer residents renting their property to locals during the school year.
 - HICEEC has provided administrative and funding support for the Island for Secure Land Association (ISLA) and was a founding member of the Hornby Island Housing Network, currently working on an affordable housing project on crown land.
 - In 2018, the pillow tax allowed workforce housing to be funded which prompted HICEEC to apply and finally receive permission for Hornby to be designated as a Municipal Region Tax Distribution Area in June 2022. This permits the collection of a 3% tax from fixed roof vacation rentals, a portion of which is to support affordable worker housing.

- Controlling STVRs will make properties on Hornby less valuable and provide more opportunities for local workers' purchase.
- Research done last year on housing on Hornby with 261 resident respondents, which was 25% of the 2016 census population, revealed that 68% of respondents did think that STVR activities reduced the availability of long-term rental housing; and 87% of respondents said that accessory dwellings units would be an acceptable housing typology for residents on Hornby.
- The Residential Tenancy Act allows for a fixed term rental if the owner or owner's family is moving into it at the end of the term.
- Are TUPs the fastest route to creating more long-term affordable housing?
 - Consultant Maloney responded that the fastest route would be to allow ADUs in all zones. The drawback of TUPS is they are temporary.
- The Beulah Creek housing project was stalled for over 10 years due to roadblocks of various government entities. A streamlined model needs to be developed to quicken housing developments on given land.
- Elders may benefit from moving to ADUs and renting out their primary residence to younger families.
- Hornby should subsidize the purchase of bulk rainwater collection items and provide information to residents about how to set up these systems.
- Is HICEEC the only group on the speakers list? There is more to the island than HICEEC.
- Less than 10% of STVR owners that I know would flip to a long-term rental.
- Environmental impacts is a broad statement. Does an STVR truly use more water? What about generalized drought? Better facts would be helpful.
- Why is Bradsdadsland and the Thatch allowed to operate at high densities and they don't live on Hornby when I, who have lived here for decades, have watched all my friends have to move away and have received an official investigation against me. I am going to have to let go of this property, the property taxes are unaffordable and there is no work for me on Hornby, and I would have welcomed allowing other renters on the property. How can regular people live here?
- Is it true that the Ministry of Health would not allow ADUs on properties less than 2 acres?
 - Consultant Maloney noted that VIHA regulates water and septic issues based on bedrooms numbers and subdivision regulations.
- STVRs are not always that profitable, especially for non-resident owners. Payments to property managers, gardeners, cleaners, and others was significant but good for local workers.
- Noise problems are mitigated when STVR owners are on their property.
- STVRs should be limited because the environment, local services, and supplies cannot keep up.
- I do not support the use of the poll at this meeting.
- At a community vision meeting on Hornby last weekend, the impact of tourism on Island infrastructure was a top concern.
- What is to prevent ADUs from becoming STVRs?
 - Consultant Maloney responded that If ADUs are clearly defined in the bylaws, they can be controlled through bylaw enforcement.

- There was no pre-meeting information indicating that members of the public could apply to speak at this meeting. If Karen Ross was allowed to speak for HICEEC, all groups should have been given an opportunity to speak. Also, the poll conducted today was not in the pre-meeting information and it should have been conducted after the question-and-answer period, not before. My vote was not able to be submitted. Many at this meeting are expressing views contrary to the poll results, and these views need to be worked through.
 - Consultant Maloney responded that the poll was not a vote but a way for consultants to assess public opinion before making recommendations.
- The poll was flawed. I did not want to answer the second question but was unable to submit unless I did answer it.
- There has never been viable bylaw enforcement of STVRs. While there are many compliant operators, others are flagrantly non-compliant. Some rental ads say “sleeps 24.” Buildings are being purpose built for STVRs. Rentals are occurring in Sandpiper for \$5000-\$8000.00 a week. My property taxes are going up. I do not want to own a million-dollar investment property, I want a home. We need business licenses, regulations, TUPs and other tools to manage STVRs.
- Regarding the prepared letter from HICEEC that describes discussion around STVRs as divisive, it is not divisive, it is very important. Many STVRs on small lots are rented for less than a week so there is a constant turnover and noise is a problem. To reduce the sense of invasion, limit the rental period for STVRs. Nothing seems to be enforced right now. Stipulate that property owners must be living on the property to conduct an STVR.
 - Consultant Maloney noted that there were currently 11 Bylaw Enforcement files open on Hornby. The bylaw process works, it just takes time.
- STVRs enabled us to visit Hornby and eventually buy a property here. Our STVR helps to offset certain costs. We cannot rent out long term because we visit the property throughout the year. We have a 6-chamber septic system and rainwater collection.
- The Tribune Bay Campsite contributes a lot to visitor density. STVRs help many people keep their properties. There were huge (30-40%) increases in property taxes last year. Owners can contest these increases. The STVRs issues should be separated from the long-term housing issues.
- The government should be lobbied to allow a 9-month rental period. Stop denigrating STVRs and focus on solutions. Short-term solutions are needed until long-term ones are realized.
 - Consultant Maloney noted that anything over 30 days can be considered long-term. The issue with a 9-month lease period is where do you go for 3 months? There are water and septic issues with parking a trailer on a property.

There were approximately 90 comments in the chat section of the meeting. Consultant Maloney read and answered the following public comments and questions from the chat section:

- Have the Consultants read the following reports: 'Priorities for Action on Short-Term Rentals,' Union of BC Municipalities and Province of BC Advisory Group, June 2021 and 'Regulating Short-Term Rentals-A Toolkit for Canadian Local Governments' Federation of Canadian Municipalities, June 2021?
 - Consultant Maloney responded that they had looked at these reports.
- Would new ADUs, if approved, be restricted to long-term rentals.
 - Consultant Maloney responded yes.
- Can you confirm that if we go with Option 1 there is no way for the community to limit the total number of vacation rentals, which have increased by about 50% since they were legalized; whereas option 2 will allow existing legal vacation rentals to continue, but a cap to be put on the number of TUPs to allow additional vacation rentals?
 - Consultant Maloney responded that if STVRs are a permitted use, numbers are not able to be controlled. If instead they are permitted only by TUP, numbers are more easily controlled.
- STVRs are a way for us to help afford \$1000/week for the next (and now extended) year. I might hope to retire, keeping our family Hornby property.
 - Consultant Maloney responded that STVRs and long-term rentals were both ways to help with mortgage payments.
- I think you may have made a mistake in your interpretation of the Tenancy Act. You may evict your renters if you intend to use the property yourselves; however, you couldn't do that repeatedly.
 - Consultant Maloney noted that this had been previously addressed.
- Would the TUP process be tied in with checks on infrastructure i.e. water collection and septic capacity?
 - Consultant Maloney responded that TUPs would have associated regulations.

Trustee Scott noted a phone-in caller unable to speak.

- Planner Zupanec responded that there were about 10 members of the public waiting to speak and many questions in chat that had not been addressed. She advised that the meeting was limited to 2 hours with only 15 minutes left.

Members of the public, requested to adhere to a one-minute each time limit, asked and commented on the following:

- The poll did not function for me. STVR self-regulation is not working. Hornby is being sold to the highest bidder. HISTRA and HICEEC do not represent all voices on this island.
- STVRs should be capped to care for our island through this climate emergency. We have 80 to 120 STVRs here now. That is enough. Septic should be proven for every STVR, and there should be water on site, not reliance on trucked water. Because of STVRs, a particular known local worker is forced to pay \$1000.00 a week for 6 weeks in the summer for a trailer with an outdoor shower and outhouse.

- STVRs should be maintained as they are because they allow for generational transition. The only way we can keep the property that we have inherited is by renting it out for a few weeks in the summer. The egregious misuse of STVRs should be dealt with in a proper way.
- Hornby Island is a very finite land mass with limited infrastructure and water and septic capacity. STVRs need to be capped and given a more robust regulatory framework. The poll showed that a majority of respondents want changes to STVRs.

Trustee Scott expressed that the Community Information Meeting should not have been so time limited. Not everyone was given an opportunity to speak.

Trustee Allen noted that it was difficult to adhere to time limits on public comment when many of the speakers had complicated and impassioned views.

Consultant Maloney hoped to receive a transcript of all chat questions and comments for review. The Consultants' contract would be ending after the March 2023 report to the LTC. Further public engagement at the direction of the LTC could ensue.

Chair Peterson thanked everyone for their participation and encouraged anyone who was unable to speak to contact Trustees.

3. ADJOURNMENT

By general consent the meeting was adjourned at 6:05 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder



Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2023-002	Carried	30-Jan-2023
Write a Letter of Support to CVRD re: Community Hall Committee establishing a Heritage Registry		
"That the Hornby Island Local Trust Committee support the Community Hall Committee in establishing a Hornby Island Community Heritage Register by requesting that the Chair write a letter of support to the Comox Valley Regional District (CVRD)."		

Minutes of the Hornby Island Advisory Planning Commission

- Date of Meeting:** February 21, 2023
- Location:** Room to Grow
2100 Sollans Road (in Schoolyard), Hornby Island, BC
- APC Members Present:** Wendy Burton, Chair
Vicki Bale, Deputy Chair
Joanne Ovitsland, Secretary
Rob McCreary, Member
Allie Quelch, Member
Sadie Chezenko, Member by Conference phone
- Staff Present:** Katherine Vogt, Recorder by Conference Phone
- Others Present:** Patricia Maloney, Consultant
Sharon Horsburgh, Consultant with Bayshore Planning
Approximately six (6) members of the public
1. **CALL TO ORDER AND WELCOME**
Chair Burton called the meeting to order at 1:00 pm. She gratefully acknowledged that the meeting was being held on the unceded traditional territory of the Kòmoks First Nation and Pentlatch People. She welcomed Advisory planning Commission (APC) members, recorder, Consultants, and members of the public.
 2. **APPROVAL OF AGENDA**
By general consent, the agenda was adopted as presented.
 3. **MINUTES**
 - 3.1 **Hornby Island Advisory Planning Commission Draft Minutes dated August 10, 2023 for adoption.**

By general consent, the minutes were adopted as presented.
 4. **Discussion with Consultant Patricia Maloney**
APC members had recently received a 4-page memo dated February 16, 2023 from Consultant Maloney that summarized Consultants' review of all relevant information to date for potential Hornby Island Official Community Plan (OCP) amendments regarding Indigenous Communication; Riparian Area; Affordable Housing; and Short Term Vacation Rentals. This memo included review of the seven-page document: 'Housing and Short Term Rentals Recommendations from Hornby Island Advisory Planning Commission (APC) March 29, 2022' as presented to Trustees at their May 6, 2022 regular meeting.

Chair Burton noted the following

- That the APC had been unable to communicate with the Consultants for many months.
- That it was the understanding of the APC that the following sentence in the APC March 2022 Document was true: “These recommendations, if accepted by the local trustees, will be sent on to the contracted planner, who will write the relevant language for the OCP and the respective bylaws. Part of this process is extensive community consultation through the 1st, 2nd, and 3rd Readings.”
- That regarding the February 16, 2023 Consultant’s Memo, item g on page 2, the following quoted statement: “In addition to the March 2022 report prepared by the APC, which does not support STVRs and the August 2022 report prepared by HISTRA supports STVRs,’ is concerning to the APC in two ways: 1) the APC final recommendations document was not a report and should not be described as such, but rather as a series of recommendations based on received referrals and extensive review of the OCP and Land Use Bylaw (LUB), and 2) the statement that the APC does not support STVRs is not valid.
- That the APC was advised by former Senior Intergovernmental Policy Advisor Lisa Wilcox to do the work of Indigenous Language inclusion in the OCP and nothing more. This was done in an extensive track changes document. What the consultants are asking for in the Hornby OCP in relation to First Nations seems to go far beyond this.

Consultant Maloney noted the following:

- Originally, consultants had proposed two APC meetings and in-person engagement, but this was advised against in favour of the October 6, 2022 electronic engagement, which consultants now consider a failure. Only two exact hours were given to discuss 4 important Hornby topics and many locals did not feel that the electronic meeting was a safe place in which to communicate.
- Approximately 20 emails were received by consultants after the October 6, 2022 electronic meeting.
- An apology is offered for Consultants’ stating that the APC does not support STVRs.
- The Consultants February 16, 2023 Memo recommendations are considered preliminary.
- Consultants had not received the APC Indigenous Language track changes version of the OCP; but could review it and include it in their recommendations.
- Language regarding First Nations as contained in the Islands Trust Policy Statement is being included in local OCPs.
- Face-to-face meetings are necessary for First Nations relationship-building.
- Consultants have been advised to segregate the 4 topics of Indigenous Communications, Riparian Areas, Affordable Housing, and Short-Term Vacation Rentals; and, the upcoming Community Information Meeting will only address STVRs.
 - Chair Burton clarified that ‘Affordable’ Housing had not been specified in the APC referral, only Housing and STVRs.

- The Consultants' original scope of mandate was facilitating and reporting on two public workshops; recommending key consideration amendments for the OCP and LUB; drafting one OCP amendment bylaw and one LUB amendment bylaw; flexibility to respond to needs and changes in the process; and reporting to staff and elected body.

APC members asked or noted the following:

- As previously acknowledged, it is absolutely not true that APC members do not support STVRs; rather, the APC sought to update the regulations so that they would work for all residents and STVR operators.
- The APC had recommended that, if existing grandfathered-in STVR operators were not in compliance with their original regulations they be required to switch to updated regulations.
 - Consultant Horsburgh noted that such noncompliance would be a bylaw issue rather than a zoning one and STV operators would continue to be permitted to use older regulations.
 - Consultant Maloney offered that Hornby could allow that if an STVR operator under Temporary Use Permit (TUP) operated compliantly, that they be spot zoned for permanency.
 - Consultant Maloney noted that there are currently approximately 11 open noncompliant STVR files that could use TUPs to achieve compliance.
- Municipalities require business licenses for STVRs. TUPs could be a next best option.
 - Consultant Maloney noted that Regional Districts do not want to deal with business licenses in the Gulf Islands and the Islands Trust does not have authority over them.
- The APC had been advised that the only way to move forward on zoning and housing was to revoke all new STVRs in all zones.
 - Consultant Maloney noted studies that suggest that STVRs do not take long-term rentals off the market. Secondary suites could be allowed in all zones and new STVRs allowed with TUPs and spot permanent zoning.
- The APC did not have access to an Islands Trust planner throughout their referral process.
- There is divergence between some of the APC and Consultant recommendations.
- Hornby Island has a good relationship with Kòmoks First Nation; the APC track changes of Indigenous language inclusion document should be part of the consultants' recommendations.
- The Consultants' recommendations for expanding the definition of secondary suites to include detached dwellings, and their recommendations for riparian areas and Temporary Use Permits (TUP)s for new STVRs are desirable.
- What is the benefit of creating a development permit area for intensification residential use?
 - Consultant Maloney noted it was an outside the box suggestion that would allow guidelines for intensification of all development within an area and thus may not gain community support.
- What about changes to residential flexibility in the Agriculture Land Reserve (ALR)?

- Consultant Maloney noted that additional dwellings could be allowed for farm help; many ALR regulations have recently been changed and could be reviewed by consultants.
- There are, and have been, people forced by circumstances into living in their vehicles on Hornby Island.
- The Hornby OCP is a living community document created by the people who live here that sets a vision.
- The APC Housing and STVR recommendations were considered as a first step in a lengthy community consultation process.

Each of the twenty-two APC Housing and Short Term Rentals recommendations of March 29, 2022; and, two APC proposed Administrative changes were reviewed for consultant comment:

1. 'In Large Lot Residential zone, allow multi-family development through site-specific subdivision re-zoning. Limit the development to "residential rental tenure."'
 - Consultant Maloney advised that this was very doable given that the BC government has allowed municipalities to do this.
2. 'In Large Lot Residential zone, create a new zone permitting permanent second dwelling, Short Term Rental (STR) prohibited. The location of this new zone will be determined through community consultation.'
 - Consultant Maloney noted that 3 items go together: allow secondary suites in all residential units; remove STVRs as permitted uses in all zones; and allow STVRs by TUP.
3. 'Permit in all zones: site specific applications to permit a second dwelling for residential rental tenure, verifying proven septic, water, and lot coverage. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.'
 - Consultant Maloney noted that secondary dwelling units, as redefined, could be permitted in all zones. Generally, a secondary unit is defined as being of less square footage than the primary dwelling unit. There is no provincial definition. Maximum size could be locally defined.
4. 'Short Term Rentals as a permitted use is revoked in all zones.'
5. At the same time all STR operators apply for TUP effective [date of bylaw change]
 - a.) provide water and septic certification and maintenance plan (part of TUP) b.) TUP for STR be batch processed and the fee adjusted to \$250 and to \$0 if the permit is to provide a community benefit, i.e. community housing c.) Current occupancy limits be confirmed as part of TUP process.'
 - Consultant Maloney noted that undefined community benefit is very subjective, so an approved list of community benefits could be developed. Occupancy limits cannot be set and would seem unenforceable, but Island Health occupancy regulations could be reviewed.
6. 'Rental period defined as three months, for example June 15 to September 15.'
 - Consultant Maloney noted that Eastern Canadian tourists come to Western Canada in the winter; expanding the season could prevent traffic bottlenecks; and there is the shocking problem of tenants being kicked out of their rental housing over the tourist rental season.

7. 'All STR (including those advertised on Airbnb and any other advertising platform) must register with Islands Trust. A registry will be maintained by Islands Trust.'
 - It was noted that the Trust has not responded to this recommendation yet.
8. 'All STR have proven septic and water capacity. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.'
 - Consultant Maloney noted that this would apply to new STRs.
9. 'STRs are conducted within the principal residence on the property (not a secondary building) where permitted.'
10. 'The rental period is reduced from five months to three months, for example, from May 1- September 30 to June 15 to September 15. This is a contentious recommendation. The existing period was the result of extensive community consultation in the 2000s before the bylaws were created. Many community members now believe the period is too long. Other community members, especially those in the visitor accommodation sector, now believe it is too short. Many STRs are in non-compliance, that is, they operate year-round or outside of the rental period of May 1 to September 30. The argument that shortening the period would affect MRDT funds coming to the community is one that has to be put to the community.'
11. 'One STR per property.'
12. 'Enforce bylaws about STRs in secondary dwellings, where permitted. This recommendation is to do with STRs provided in secondary dwellings in zones where such a use is permitted. Addressing the bylaw compliance of secondary dwellings that are not being used for STRs in all zones is outside our referral. Year-round dwellings/housing should not have enforcement even when the moratorium on enforcement is discontinued. It would be next to impossible for enforcement of year-round housing as there is no reliable way to monitor availability and use, and the threat of enforcement could diminish available residential housing stock.'
13. 'Proactive enforcement of all Visitor Accommodation (inclusive of resorts, campgrounds, glamping).'
 - An APC member noted that it seemed unfair to focus regulations entirely on STRs.
14. 'Require all platforms to list only those properties in compliance. '
15. 'Require all platforms to provide data (of Union of BC Municipalities stakeholders report, June 2021).'
 - Consultant Maloney advised that property rental platforms were outside of their scope.
16. 'Clarify the occupancy limits by zone for STR. Tie advertising to occupancy, i.e. the advertised occupancy conforms to bylaws.'
17. 'Number of STR on Hornby Island be capped. While STRs are a permitted use on Hornby Island, the number cannot be capped.'
 - Consultant Maloney noted that capping would be a future rather than current issue, as it was reliant on TUPs and assessment of numbers of STRs, and that these numbers are unknown.
18. 'Permit limited number of long-term residential occupancy of seasonal campgrounds.'
 - Consultant Maloney noted how difficult it may be to provide adequate water, sewer, school bussing, and garbage collection for residents of campgrounds.

19. 'All SR (Small Lot Residential) lots/zones be designated IA Heavily Developed Aquifer. Any STR operating in a IA Heavily Developed Aquifer would apply for a TUP and would be required to certify septic capacity.'
 - Consultant Maloney recognized that this was an advocacy policy.
20. 'Create bylaws governing Lerena Vineyards and Fossil Beach Farm.'
 - Chair Burton noted that this recommendation was simply for these operations that have been left out of the bylaws to be recognized and included.
21. 'Clarify "visitor accommodation" and relevant bylaws for Hornby Island Resort (the "Thatch") development.'
 - Chair Burton noted there was an absence of language in the bylaws.
22. 'Amend the bylaws governing Public Use Zone to add (e): Despite 8.21(1), the only permitted uses are:
 - (a) Cemetery;
 - (b) Public utility storage yard;
 - (c) Highways maintenance yard;
 - (d) Recycling depot; and
 - (e) Community trades and services, including associated retail.'
 - Consultant Maloney noted the need for a definition of Community Trades and Services to be added to the bylaw.
 - Chair Burton offered that the definition included live/work housing and may be contained in an older LUB and OCP.
- Administrative Change 1: 'Change LUB 8.5 where Elder Housing and ISLA are named. Change to Hornby Island Housing Society.'
- Administrative Change 2: 'All site plans and permits be checked for compliance with on-site visits.'

Consultant Maloney spoke on the upcoming electronic community engagement meeting and the extra efforts going into providing for more participants' comments and concerns to be received by private email.

5. ADJOURNMENT

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

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Hornby Island

20-Jan-2023

Activity	Responsibility	Dates	Status
1 Advise DE LTC that Hornby LTC interests are unaffected by Proposed Bylaw 228, 229 (Denman Farming Regulations Review Project).	Sonja Zupanec		Completed
2 Hornby LTC requests staff to draft a letter congratulating the new Chief and Council of K'omoks Nation; introduction to LTC, staff and schedule of meetings; update on current projects and advocacy activities.	Clare Frater		In Progress
3 Staff to provide a report to the LTC with analysis of funding and resources required to undertake the Heritage Registry project and amendment to LUB to exclude cisterns from the setback requirements (PENDING). Add both to the FUTURE projects list (DONE).			In Progress
4 LTC endorsed meeting schedule for 2023 as presented.	Wil Cottingham		Completed
5 staff to bring back active and future projects list reports for consideration and discussion at next business meeting and ensure all Sept 2022 projects are captured in the new database.			Completed

Follow Up Action Report

Hornby Island

20-Jan-2023

Activity	Responsibility	Dates	Status
6 OCP/LUB review project: -Advise APC members that LTC has requested that they meet with consultant. Staff to assist consultant with scheduling an electronic community information meeting prior to February 28th specific to the topic of short term vacation rental. Update project charter with revised workplan and timeline. Consultant to provide final report/recommendations by March 30.	Sonja Zupanec		Completed
7 Staff to work with ROGERS to prepare a report including an analysis on consultation completed to date and comparison with Hornby Strategy for Antenna Systems; summary of public correspondence received to date and next steps in the application process.			In Progress
8 Three HO LTC appointments to the BOV: and two tto the APC as per minutes.	Becky McErlean Penny Hawley		Completed

File No.: HO-DP-2023.1 (Hornby Island Arts Council) – Amending HO-DP-2017.2

DATE OF MEETING: March 24, 2023

TO: Hornby Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: Development Permit Amendment Application for Hornby Island Arts Council building
Applicant: Hornby Island Arts Council
Location: 2115A Sollans Road;
NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Permit Amendment HO-DP-2023.1 subject to the conditions imposed therein.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) Amendment Application within Development Permit Area 2 (DPA 2) – Community Service Use, for the construction of a new Arts Centre building. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), a DP is required to be issued by the LTC prior to the undertaking of any development, subdivision or land alteration within DPA 2.

Considering that the DP Amendment proposes to significantly reduce the building footprint and hardscaping of the active DP, staff recommend approving issuance.

BACKGROUND

A DP application was submitted in August 2017 (**HO-DP-2017.2**) for a new Hornby Island Arts Council (HIAC) Arts Centre. The approximately 3.76 ha (9.3 acres) subject property is held upon a Crown Land lease by the Hornby Island Residents' and Ratepayers' Association (HIRRA). The proposed site plan changed a number of times, before final plans were submitted in October 2020 and the application was brought forward for decision. The staff report that was prepared in consideration of the active DP application is **Attachment 1** of this report. A timeline and background of the subject property can be found in the previous staff report.

At the November 6, 2020 Hornby LTC meeting, staff did not recommend issuance of the DP application, as the applicant had declined to provide a hydrology report as required by DPA 2 Guideline 9.3 (4). Staff advised that without the submission of a hydrology study identifying any adverse impacts of the proposed development on the groundwater recharge area, the application was inconsistent with Guideline 9.3 (4). After hearing from planning staff, the Islands Trust's Senior Freshwater Specialist, and the applicant, the LTC voted to issue the DP as drafted,

without a hydrology report. A corresponding Siting and Use Permit (SUP) was also then issued by staff on November 19, 2020.

The SUP expired on November 19, 2022, as work had not been “irrevocably commenced”. Despite this, the DP is still active, as the following work had commenced by November 19, 2022:

- Removal of seven (7) trees from the site area
- Installation of an upgraded septic field
- Relocation of the existing Art Centre trailer

HIAC have modified the proposal from the current DP by reducing the building footprint by approximately 143.5 m² (1544.6 sq. ft.) from 424.5 m² (4569.78 sq. ft.) to 281.0 m² (3025.18 sq. ft.) and creating a landscaped courtyard instead of a hardscaped outdoor stage area. All other parts of the proposal remain the same as the previous DP. A side-by-side comparison of the previously issued DP and the proposed DP Amendment are below (**Figure 1**).

Figure 1 – HO-DP-2017.2 Issued Nov. 2020 (left) and Proposed DP Amendment (right)



Information about the subject property is contained within **Attachment 2 – Site Context**. DPA 2 guidelines are included in **Attachment 3**. The proposed site plan is shown, attached to and forming part of the draft DP Amendment in **Attachment 4**.

The applicant has submitted an updated letter in support of the DP Amendment Application (**Attachment 5**). Additional information is included as attachments including the Crown Lease Modification Agreement from 2020 (**Attachment 6**), the Tree Assessment and Retention Plan from 2020 (**Attachment 7**), and a Stormwater Disposal System Plan from 2021 (**Attachment 8**).

ANALYSIS

Policy/Regulatory

Please refer to Islands Trust Policy Statement, Official Community Plan, and Land Use Bylaw analysis contained in the previous staff report (**Attachment 1**).

Issues and Opportunities

Guidelines

DPA 2 lies within a mapped groundwater recharge area upslope of one of Hornby's main residential neighbourhoods. The objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities. Pursuant to Section 490(2) of the LGA, a local government may, by resolution, issue a development permit in accordance with the applicable DPA guidelines in the OCP or zoning bylaw.

There are four (4) guidelines for DPA 2 found in Section 9.3 of the LUB:

- **Guideline 9.3 (1)** *Before any new development is permitted, there should be approval of a permitted sewage and used water system.*
- **Guideline 9.3 (2)** *A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.*
- **Guideline 9.3 (3)** *Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.*
- **Guideline 9.3 (4)** *A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.*

The proposed DP Amendment includes:

- A new Arts Centre with a floor area of 281.0 m² (3025.2 sq. ft.) and total area covered by the building, including the concrete roof overhang, of approx. 396.3 m² (4265.6 sq. ft.);
- Replacing a hardscaped outdoor seating area/stage with a permeable landscaped courtyard; and
- A combined total area of approx. 885.4 m² (9530.62 sq. ft.), or approx. 2.35% of the subject property. This is approx. 3415 sq. ft. less than the previously issued DPs.

The proposed DP Amendment application is reviewed against DPA 2 Guidelines in Attachment 3. Staff concur that all the Guidelines have been met, except for Guideline 9.3 (4). In consideration of the total area to be covered by the building and parking, and the associated excavation for the building, foundation construction and driveway/parking, staff consider this proposed development in its entirety to involve "significant" alteration of the ground and surface drainage, similar to the active DP application. However, considering that the previous DP was issued by the LTC without requiring a hydrology report and the current proposal has a smaller development footprint, staff recommend that the LTC issue the DP Amendment as presented.

Consultation

A community information meeting and/or public consultation are not required for DP applications.

Rationale for Recommendation

Considering that the previous DP was issued without a hydrology report and the current proposal has a smaller footprint, staff recommend that the LTC issue the DP Amendment as drafted.

ALTERNATIVES

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

1. Deny Issuance of the permit amendment

Should the LTC consider the DPA 2 Guidelines to not be met, the LTC may deny issuance of the Development Permit Amendment. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny issuance of HO-DP-2023.1.

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. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit the following information prior to making a decision on application HO-2023.1: [specify information required].

NEXT STEPS

If the LTC concurs with the staff recommendation, the DP Amendment will be issued along with the Siting and Use Permit.

Submitted By:	Margot Thomaidis Planner 2	March 20, 2023
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	March 23, 2023

ATTACHMENTS

1. DP Application Staff Report (HO-DP-2017.2), dated November 6th, 2020
2. Site Context
3. DPA 2 Guidelines
4. Draft Development Permit
5. HIAC Letter, dated March 20th, 2023
6. Crown Lease Modification Agreement, dated July 15th, 2020
7. Tree Assessment and Retention Plan, dated July 27th, 2020
8. Stormwater Management System Plan, dated July 5th, 2021

STAFF REPORT

File No.: HO-DP-2017.2 (Hornby Island Arts Council)

DATE OF MEETING: November 6, 2020

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Development Permit application for new Hornby Island Arts Council building
Applicant: Hornby Island Arts Council
Location: 2115A Sollans Road;
NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request that the applicant of HO-DP-2017.2 submit a hydrology study consistent with Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit Area 2 (DPA 2) – Community Service Use, for the construction of a new Arts Centre building. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), a DP is required to be issued by the LTC prior to the undertaking of any development, subdivision or land alteration within DPA 2.

Staff consider the application to be inconsistent with DPA 2 Guidelines, as the applicant has not provided a copy of a hydrology study to satisfy DPA 2 Guideline 9.3 (4). Staff are recommending that the LTC request a hydrology study in accordance with Guideline 9.3 (4), prior to making a decision on issuance of the DP.

BACKGROUND

The approx. 3.76 ha (9.3 acres) subject property is held upon a Crown Land lease by the Hornby Island Residents' and Ratepayers' Association (HIRRA). The subject property is currently used by the Hornby Island Arts Council (HIAC), medical and community health clinics, and dental clinic. The Modification Agreement of the Crown Land lease has been amended to include the proposed Arts Centre and relocation of the existing Arts Centre trailer adjacent to the Hornby Denman Community Health Centre Care Society office on the subject property.

The application was originally submitted in August 2017. Since that time, the location of the new Arts Centre building has changed, as have the building plans. The following provides a brief timeline for the application:

- **August 17, 2017** – Application received by Northern Office. Original application proposed on neighbouring Crown lot to the west, leased by HIAC; includes 184.74 m² building, 10 parking spaces.
- **September 8, 2017** – Site visit.
- **September 6, 2018** – Planner awaiting update on Crown lease.
- **November 1, 2018** – File reassigned. Applicant informed of reassignment.

- **March 7, 2019** – Applicant informed planner an update on the Crown Lease is pending. Planner advised applicant a Siting and Use Permit is also required.
- **March 29, 2019** – HIAC update to planner: proposed building location moved to neighbouring Crown lot to the east, leased by HIRRA. Applicant notes that HIRRA Crown Lease is currently being amended. Draft (revised) site plan submitted along with a copy of the tenancy agreement with HIRRA.
- **April 14, 2019** – Revised site plan submitted to planner.
- **May 14, 2019** – Modification Agreement of Crown lease to include the new Arts Centre building submitted to planner.
- **May 15, 2019** – Planner informed applicant that a DVP is required for the building height and setback encroachment.
- **November 25, 2019** – Applicant informed planner that final site plan and drawings are pending.
- **March 31, 2020** – Applicant updated planner on point of contact for file.
- **August 4, 2020** – Updated Modification Agreement of HIRRA Crown Lease to include the new Arts Centre building, and to relocate the former Arts Centre trailer beside the Hornby Denman Community Health Care Society office.
- **August 19, 2020** – Revised site plans submitted.
- **August 21, 2020** – Upon review of the revised site plans, planner requested copy of a hydrology study to satisfy DPA 2 Guideline 9.3 (4).
- **September 18, 2020** – Revised site plans; Arborist Report dated July 27, 2020; and Septic letter dated Sept. 14, 2020, submitted to planner.
- **September 30, 2020** – Siting and Use Permit application submitted to Islands Trust Northern Office.
- **October 7, 2020** – Corrected site plan submitted to planner.

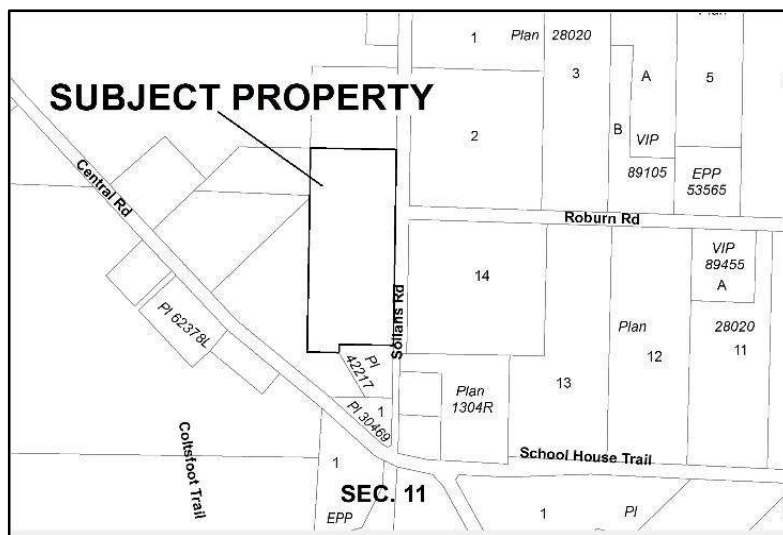


Figure 1. Subject property map

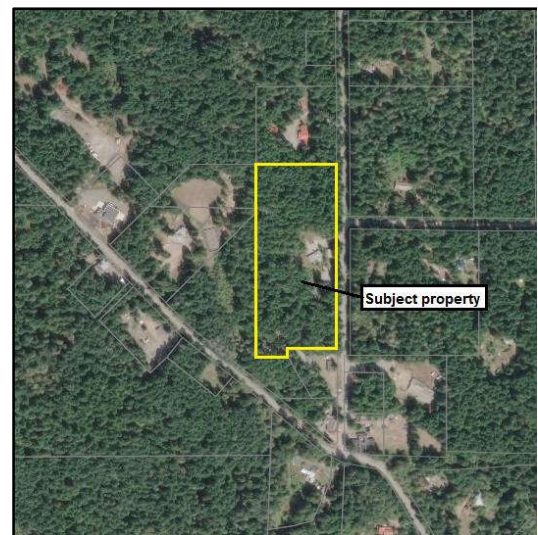


Figure 2. Orthophoto of subject property

Information about the subject property is contained within Attachment 1 – Site Context. DPA 2 guidelines are included in Attachment 2. The proposed development is shown on the site plan, attached to and forming part of the draft DP in Attachment 3.

In support of the application, the applicant has submitted the following (found in Attachments 4 through 7):

- Letter, by Hornby Islands Arts Council, dated Sept. 14, 2020;

- Crown Lease Modification Agreement, dated July 15, 2020;
- Tree Assessment and Retention Plan, by The Coastal Arborist Tree Care Co., dated July 26, 2020;
- Letter regarding Sewerage System, by Ron McMurtrie and Associates, dated Sept. 14, 2020.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff consider the following Islands Trust Policy Statement (ITPS) policies to be relevant to this application:

- **3.1.1** *Trust Council holds that:*
 - *planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.*
- **3.3.1** *Trust Council holds that:*
 - *The freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed and groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated.*
- **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.*

Official Community Plan:

The subject property is designated **COM – Community Service Use** in the Hornby Island Official Community Plan (OCP) Bylaw No. 149, 2014, and located within Development Permit Area 2 (DPA 2) – Community Service Use.

The DP application is consistent with the OCP policies in the COM land use designation.

Pursuant to Section 6.9.2.2 of the OCP, the objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities.

Land Use Bylaw:

The subject property is zoned **PU – Public Use** in the LUB. Permitted uses in the PU zone include community facilities and art galleries, and accessory buildings and structures. Other relevant regulations of the LUB related to density (lot coverage), setbacks and parking. The proposed development appears to meet all other LUB requirements.

The guidelines for DPA 2 are found in Section 9.3 of the LUB. Staff comment on the application's consistency with each of the DPA 2 guidelines is provided below and in Attachment 2 – DPA Guidelines.

Issues and Opportunities

Pursuant to Section 488 of the *Local Government Act* (LGA), DPA 2 is designated within the OCP for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to establish objectives to promote water conservation.

As noted in Section 6.9.2.2 of the OCP, DPA 2 lies within a groundwater recharge area upslope of one of Hornby's main residential neighbourhoods. The objective of DPA 2 is to address any potential impacts to the groundwater recharge area as a result of institutional or community buildings and activities.

Pursuant to Section 490(2) of the LGA, a local government may, by resolution, issue a development permit in accordance with the applicable DPA guidelines in the OCP or zoning bylaw. There are four (4) guidelines for DPA 2 found in Section 9.3 of the LUB:

- **Guideline 9.3 (1)** *Before any new development is permitted, there should be approval of a permitted sewage and used water system.*

The applicant proposes to continue using the existing sewage disposal system, which is shared by the RCMP office on the adjacent lot. The applicant has retained a qualified professional to inspect the existing system and identify any upgrades necessary. In the letter by Ron McMurtrie and Associates, dated Sept. 14, 2020, the qualified professional indicates that upgrades will involve a Sewerage System Regulation filing with Island Health (VIHA) and that upgrades be completed under the professional's supervision. A copy of the letter is found in Attachment 6.

- **Guideline 9.3 (2)** *A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.*

The applicant has indicated that the existing, shared well will continue to be used for potable water. The applicant is proposing to install a rainwater collection system to be used for non-potable operations, such as irrigation. Overflow of the rainwater collection system will be directed to the ground.

- **Guideline 9.3 (3)** *Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.*

No potential contaminant risk is anticipated.

- **Guideline 9.3 (4)** *A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.*

While the first part of this guideline states that a hydrology study "may be required" to identify any adverse impacts upon the groundwater recharge function, staff direct the LTC to the latter part of the guideline, which states, "A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater."

The proposed development includes:

- A new Arts Centre with a floor area of 424.5 m² (4569.78 sq.ft.), and total area covered by the building, including the concrete roof overhang, of approx. 498.5 m² (5366 sq.ft.);
- An approx. 215 m² (2314.6 sq.ft.) of total area covered by the hardscaped outdoor seating area/stage;
- An approx. 489 m² (5265 sq.ft.) of total area for fourteen (14) new parking spaces (3 on the neighbouring lot) and turn-around area, not including the driveway, paths or trails;

- Resulting in a combined total area of approx. 1202.5 m² (12,945.6 sq.ft.), or approx. 3.14% of the subject property.

In consideration of the total area to be covered by the building, outdoor area and parking, and the resulting associated excavation for the building, foundation construction and driveway/parking, staff consider this proposed development in its entirety to involve significant alteration of the ground and surface drainage. Staff have requested a copy of a hydrology study from the applicant in accordance with Guideline 9.3 (4) in the LUB. The applicant has declined to provide a hydrology study and has requested the application be considered by the LTC, as the applicant has cited funding deadlines for the proposal. While staff are aware the Arts Centre provides a community benefit and that HIAC's funding requires an expedient permitting process, staff note that the DPA 2 was established for the purpose of addressing any impacts to the groundwater recharge area, and staff are tasked with upholding the objectives of the DPA.

Applications for development permits are subject to the Hornby Island Local Trust Committee Development Approval Information (DAI) Bylaw No. 161, 2015, which establishes procedures and policies for requiring development approval information and enables an LTC to require information from an applicant. Section 5 of the DAI Bylaw provides,

5. *Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.*

For development permits that are designated to protect the natural environment and for the promotion of water conservation, Section 15 of the DAI Bylaw provides:

15. *For an application for a permit in respect of a development permit area designated under s. ¹919.1(1)(a) and (i) of the Local Government Act for protection of the natural environment, its ecosystems and the promotion of water conservation the report shall contain the following information:*

(f) An assessment of the nature and extent of the impact of the proposed development on the site, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.

(g) Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features, including any recommended monitoring requirements.

Without the submission of a hydrology study that identifies any adverse impacts of the proposed development, staff consider the application to be inconsistent with Guideline 9.3 (4), and are recommending that the LTC request such a report be submitted in support of the application, prior to making a decision on issuance of the DP.

Consultation

¹ Now Section 488 of the *Local Government Act*.

A community information meeting and/or public consultation are not required for DP applications.

Rationale for Recommendation

Staff consider the proposed development in its entirety to involve “significant” alteration of the ground and surface drainage. In the absence of a hydrology study, staff consider the DPA 2 Guidelines have not been fully met, and are recommending that the LTC request the applicant provide a hydrology study in accordance with Section 9.3 of the LUB.

Should the LTC concur with staff’s recommendation and consider this application to not meet the applicable DPA guidelines found in Section 9.3 of the LUB, the LTC should advise the applicant of the guidelines they consider not met, and the applicant may amend their application for reconsideration.

See staff’s recommendation on Page 1 of this report.

ALTERNATIVES

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

1. Issue the permit as drafted

Should the LTC consider the DPA 2 guidelines to be met, the LTC may issue the Development Permit as drafted. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee approve issuance of HO-DP-2017.2 as drafted.

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. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit the following information prior to making a decision on application HO-2017.2: [specify information required].

NEXT STEPS

If the LTC concurs with the staff recommendation, staff will work with the applicant to meet the DPA 2 guidelines and bring forward the permit for decision at the next opportunity.

Submitted By:	Jaime Dubyna Planner 2	October 16, 2020
Concurrence:	[Managing Staff Name, Credentials Title]	Select Date.

ATTACHMENTS

1. Site Context
2. DPA 2 Guidelines
3. Draft Development Permit
4. Letter, by Hornby Islands Arts Council, dated Sept. 14, 2020

5. Crown Lease Modification Agreement, dated July 15, 2020
6. Letter regarding Sewerage System, by Ron McMurtrie, P.Eng., dated Sept. 14, 2020
7. Arborist Report, by The Coastal Arborist, dated July 27, 2020
8. Correspondence

ATTACHMENT 2 – SITE CONTEXT

HO-DP-2023.1 (HORNBY ISLAND ARTS COUNCIL)

LOCATION

Legal Description	NW ¼, Section 11, Hornby Island, Nanaimo District, Plan 32827
PID	none
Civic Address	2115A Sollans Rd.
Lot size	~3.76 ha (~9.3 acres)

Figure 1. Subject property map

LAND USE

Current Land Use	Art gallery, medical clinic, health clinic, dental clinic, low impact recreation
Surrounding Land Use	Crown land, community hall, library, school, public recreation, residential

HISTORICAL ACTIVITY

File No.	Purpose
HO-DP-2020.2	Construction of a building in DPA 2 (Hornby Island Clinic). Issued.
HO-DP-2017.2	Construction of a building in DPA 2 (Hornby Island Arts Centre). Issued. Current application (HO-DP-2023.1) seeks to amend this DP.
HO-SUP-2020.15	Crown Land Lease. Construction of Arts Centre. Issued. Lapsed November 2022.
HO-SUP-2020.12	Crown Land Lease. Addition to medical clinic. Issued.
HO-SUP-2023.	

POLICY/REGULATORY

Hornby Island Official Community Plan (OCP) Bylaw No. 149	Land Use Designation: COM – Community Service Use Relevant OCP Policies:
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	6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building. 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall. 6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods; community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations. 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area. Development Permit Area: DPA 2 – Community Service Use Development Permit Area <u>Objective of DPA 2:</u> The community service use development permit area lies within a groundwater recharge area (identified in the Groundwater Geochemistry Study on Hornby Island, B.C. – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the community service use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.
Hornby Island Land Use Bylaw No. 150	Zone: Public Use (PU) 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) fire hall (b) office of a non-profit society; (c) community facility; (d) public use facility; (e) community trades and services; (f) art galleries; (g) theatre; (h) police station;

	(i) health clinic; (j) museum; (k) school; (l) public recreation facility; (m) library; (n) farmer's market; (o) recycling depot; (p) accessory uses including accessory residential; (q) radio station; (r) community housing; (s) hostel; and (t) cemetery. Permitted Buildings, Structures and Density (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 an interior side lot line; and (d) 8.0 metres from an exterior side lot line. Applicable definitions: "community facility" means a building, structure or administrative office operated by a non-profit society or local government for the benefit of the community generally and used for community events including classes, public entertainment, cultural and social events or, in the context of a community housing development, for shared amenities for the use and enjoyment of the residents of the community housing development. Refer to Attachment 3 for DPA 2 Guidelines.
Other Regulations	Part 5 – Parking Regulations in Land Use Bylaw No. 150 Hornby Island Local Trust Committee Development Approval Information (DAI) Bylaw No. 161, 2015 5. <i>Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.</i> For development permits that are designated to protect the natural environment and for the promotion of water conservation, Section 15 of the DAI Bylaw provides:

	15. For an application for a permit in respect of a development permit area designated under s. ¹919.1(1)(a) and (i) of the Local Government Act for protection of the natural environment, its ecosystems and the promotion of water conservation the report shall contain the following information: (f) An assessment of the nature and extent of the impact of the proposed development on the site, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. (g) Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features, including any recommended monitoring requirements.
Covenants	n/a
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (TFC) owned property or conservation covenant, nor directly affects a property adjacent to a TFC owned property or conservation covenant. Therefore referral to the TFC is not required.
Regional Conservation Plan 2018-2027	Map 6 (p. 144) "Priority Lands for Conservation in the Islands Trust Area", classifies the subject property as MEDIUM for conservation. In general, Hornby Island has been identified as having Low Priority for focusing the TFC's conservation efforts.
Species at Risk	Islands Trust mapping identifies this lot within a Douglas-fir/dull Oregon-grape (<i>Pseudotsuga menziesii</i>/Mahonia nervosa) ecological community . In the " Ecosystem Status Report " published by the Ministry of Environment and Climate Change Strategy (February 2018), it is noted that the condition of this ecosystem has been degraded by widespread fragmentation, development and harvesting that has occurred in the Coastal Douglas Fir (CDF) zone. The most serious and on-going threats to this ecological community include land clearing related to residential development and

¹ Now Section 488 of the *Local Government Act*.

	forest harvesting; associated threats include road development, invasive species and recreational use.
Sensitive Ecosystems	According to Schedule D2 of the OCP, the subject property is within the island's groundwater recharge area (Recharge Zone), and is within Aquifer IIA, which is identified as moderately developed, high vulnerability. Provincial mapping indicates Aquifer 0438 as high vulnerability.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate any known archaeological sites on or within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Any vegetation and tree removal and construction of the proposed building is anticipated to result in associated greenhouse gas emissions.
Groundwater Vulnerability	iMap BC indicates the property is within a moderate to moderately-high vulnerability area. See the Islands Trust Groundwater Recharge Potential Mapping for more information: https://islandstrust.bc.ca/document/islands-trust-groundwater-recharge-mapping-potential-project-report-ver-2021/

ATTACHMENT 3 – GUIDELINES FOR THE COMMUNITY SERVICE USE DEVELOPMENT PERMIT AREA (DPA 2)

HO-DP-2023.1 (HORNBY ISLAND ARTS COUNCIL)

Prior to undertaking any development, subdivision or land alteration, an owner of property within the community service use development permit area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

	Guideline	Guideline met?	Planner Comments
1	Before any new development is permitted, there should be approval of a permitted sewage and used water system.	☒ Yes ☐ No	Existing sewage disposal system to be used for proposed development. The applicant has retained a qualified professional and the required upgrades have been installed. Upgrades/expansion of the existing system has been filed with Island Health (VIHA) as of March 20, 2023. Existing, shared well will continue to be used for potable water.
2	A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.	☒ Yes ☐ No	The applicant is proposing to install a rainwater collection system to be used for non-potable operations, such as irrigation. Overflow of the rainwater collection system will be directed to the ground.
3	Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.	☒ Yes ☐ No	No potential contaminant risk is anticipated.
4	A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.	☐ Yes ☒ No	Applicant has elected not to provide this information. The active DP for this lot (HO-DP-2017.2), which the current DP application amends, was issued without the provision of a hydrology study. See recommendation in staff report.



**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1**

TO: Hornby Island Residents' & Ratepayers' Association (c/o Hornby Island Arts Council)

1. This Development Permit (the "Permit") applies to the land described below:

Crown Lands under a Modification Agreement to Lease No. 113000, described as NW ¼, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32827

2. Whereas the subject property lies within an area designated as Community Service Use Development Permit Area (DPA 2); the purpose of which is to protect groundwater recharge areas; on Schedule E of the Hornby Island Official Community Plan No. 149, 2014; this Development Permit authorizes the construction of one 281.0 m² (3025.18 square feet) Arts Centre building and associated parking area with the following conditions:

2.1 Construction of the building and related structures are to be substantially in accordance with Schedule "A" – Site Plan, Schedule "B" – Site Plan (close up), and Schedule "C" – Building Plan, all attached to and forming part of this Permit.

4. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
5. This Permit is not a Siting and Use Permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for the lawful completion of the proposed development.
6. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans, and specifications attached to this Permit, which shall form a part thereof.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

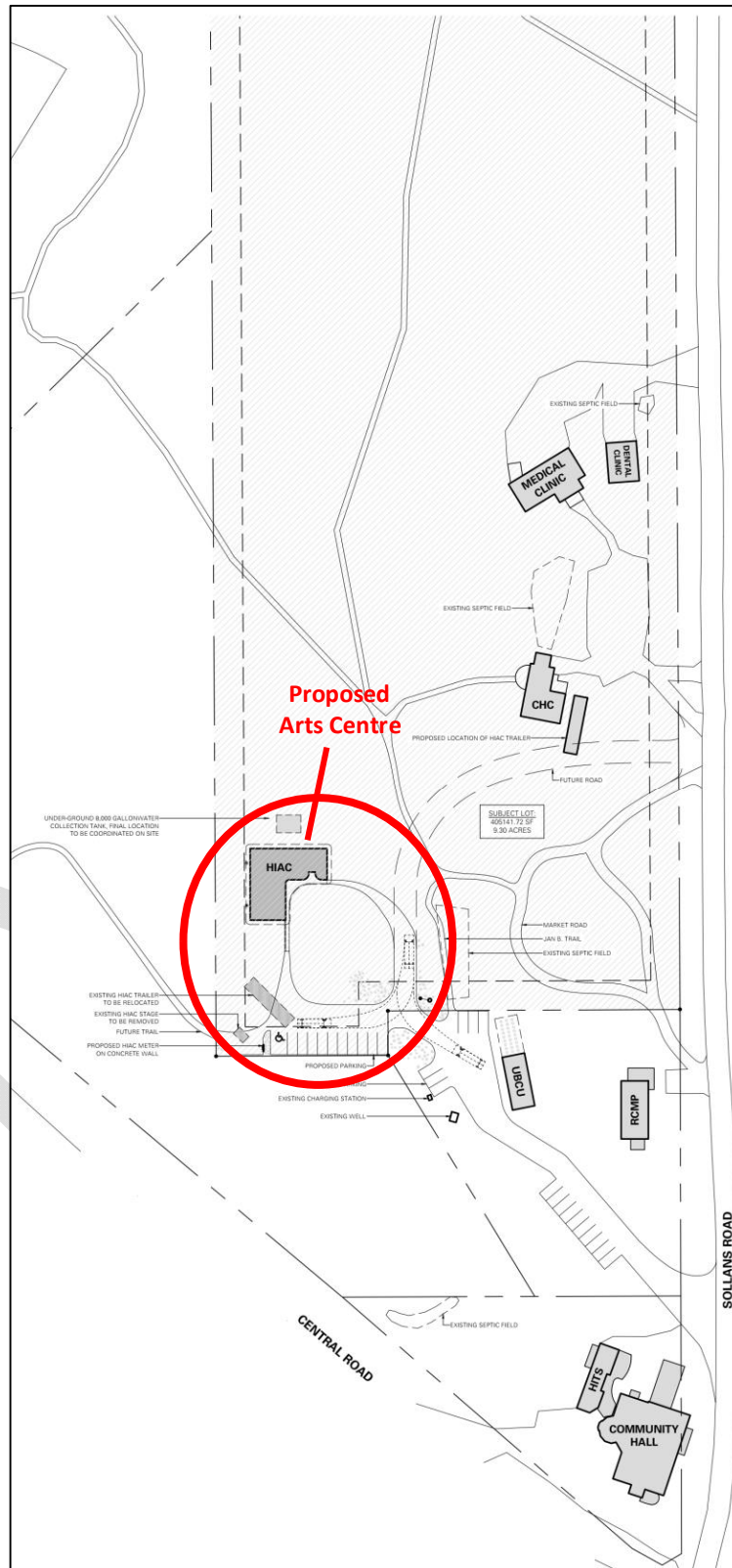
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 20__, THIS PERMIT AUTOMATICALLY LAPSES.

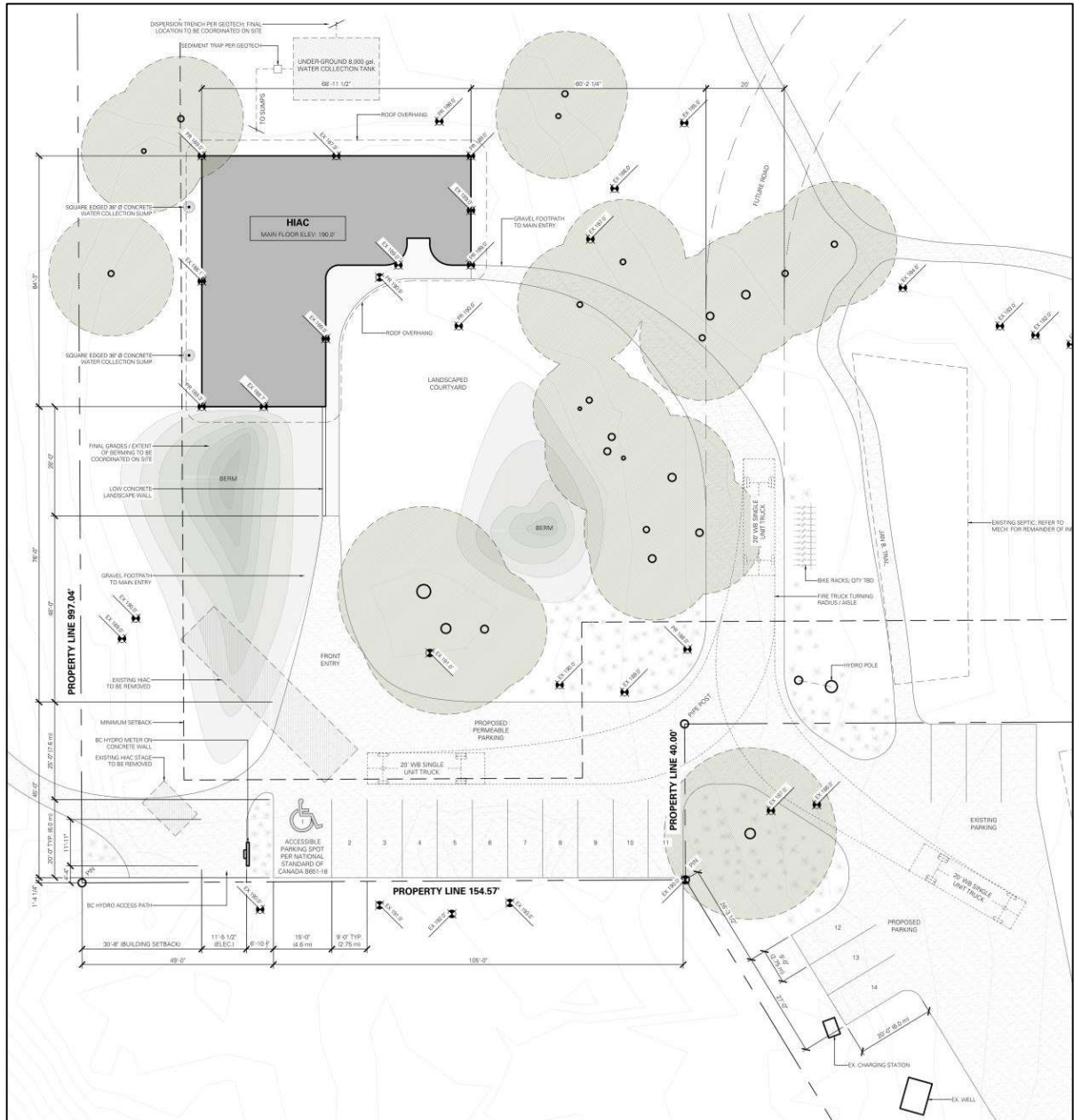
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HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1

Schedule "A" - Site Plan

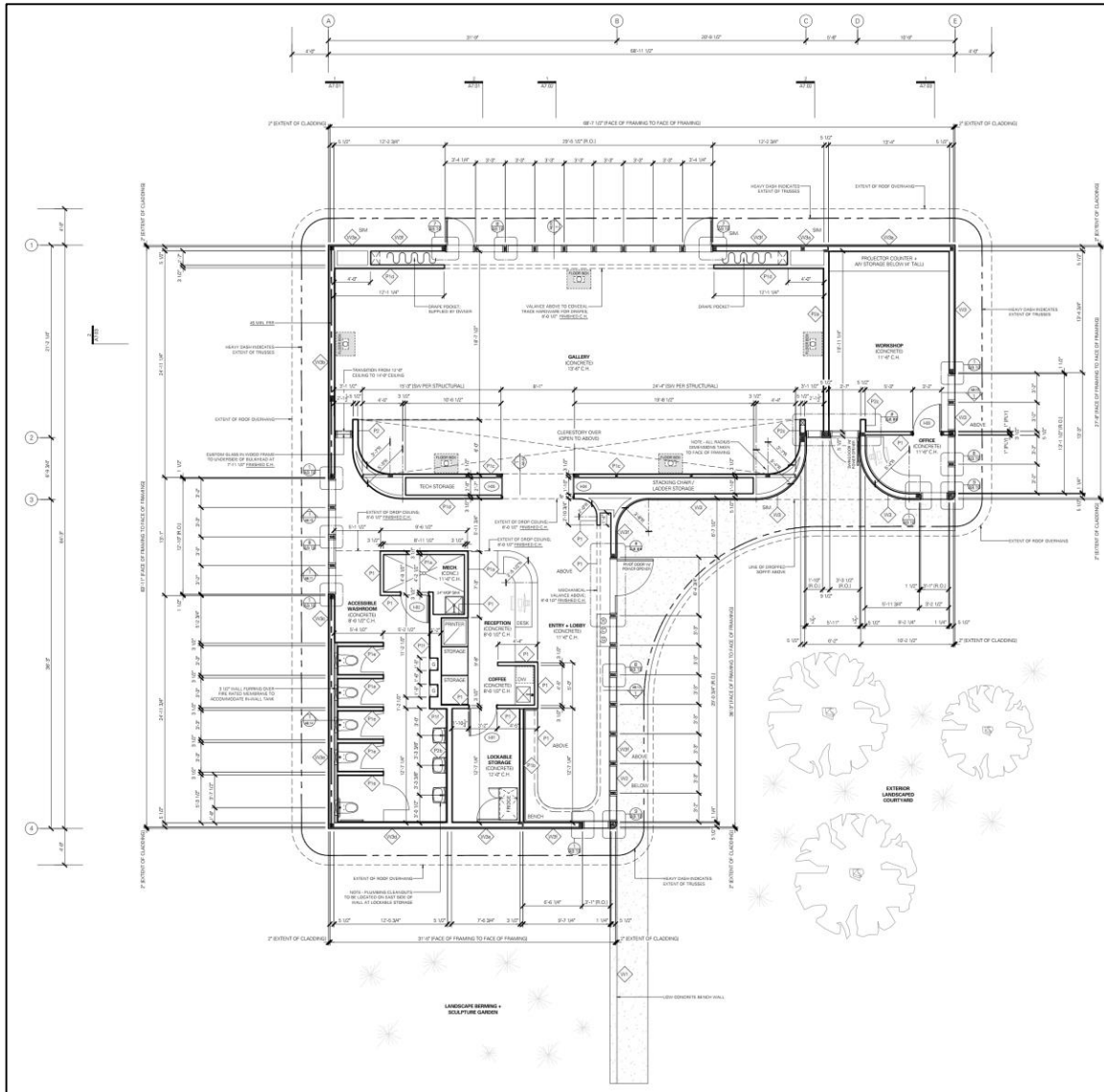


**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1
Schedule “B” – Site Plan (close up)**



DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT AMENDMENT HO-DP-2023.1
Schedule "C" – Building Plan



To the Hornby Island Local trust Committee
Friday March 20, 2023

Att: Margot Thomaidis
Re: HIAC DP Amendment

Please note that with this requested amendment to the previously issued development permit and site use permit, the proposal remains unchanged with the exception of a reduced building footprint from 4569.78 sf to 3031.19 sf and minor adjustments to total building height.

- Modification Agreement: The Crown Land Management Plan amendment for the Hornby Island Resident Ratepayers Association (HIRRA, our landlord) was previously approved. The approval included siting the proposed arts centre and approval for moving the existing arts trailer. Beyond the reduced footprint, the proposed siting and location for the building remains unchanged and does not require a new agreement. The previous HIAC trailer has been successfully relocated adjacent to the existing Medical Clinic and now provides additional outreach medical services, such as foot care to the community. The Architectural team (DJA) has updated the site plan to reflect the new trailer location.
- Funding Deadlines: The timing for this project was severely impacted by the pandemic, the resulting rising costs of construction, and labour shortages. These three issues have led to more than 12 months of delays and required targeted cost cutting efforts to ensure the success of the project. Although the project team pursued several opportunities for additional funding, the available funds were unable to cover the 50% + increase in construction costs. In an effort to reduce costs, the building area has been reduced and we have engaged our funders at all levels (municipal, provincial and federal) securing a 1 year extension for grant deadlines in an effort to accommodate a revised completion date for March 2024. This accelerated build time leaves little room for delays to ensure the revised funding deadlines are met. We have also pre-purchased a significant amount of material over the past three years to meet previous funding deadlines and avoid further reductions in available funds. The good news is that we are ready to start construction, with the revised drawings complete and our Contractor available to start immediately. In conclusion, it is critical that construction starts as soon as possible to meet the revised funding deadlines and anticipated completion date of March 2024.
- Sewage and Septic: The required septic upgrades to meet the needs of the proposed arts centre have been completed in accordance with all requirements and regulations under the professional supervision of Ron McMurtrie and Associates. Associated costs for the septic upgrades, including design, labour, and materials totalled \$43,454.76
- Water/Well: The existing shared well has historically supplied the HIAC gallery and will continue to be used for potable water.

- Arborist Report: Only the trees identified as needing to be removed in the previous Arborist report were removed. This formed part of the initial work done on site in 2020. The Architectural team has incorporated the remaining trees into the landscape design.
- Groundwater Recharge/Rainwater Management: A stormwater / rainwater management system is being prepared by our geotech, Chris Ryzuk and Associates and the Architectural team to satisfy the water collection requirement requested by Islands Trust.
- Height: Confirmed per updated Architectural drawings.

Other items of note:

Since the beginning of this project we have worked with a respected knowledge keeper and Elder from K'ómoks First Nation to establish practices and plans for recognition and preservation of indigenous plants that surround the building site. This is a long term commitment of relationship building which will include the restoration and planting of a traditional plant garden and trails once the building is complete. These are indigenous plants in their natural environment and will not require extensive watering. Consistent effort has been made to prevent invasive plants encroaching on the HIAC site and surrounding area.

Sincerely,
 Louise McMurray
 President, Hornby Island Arts Council



MODIFICATION AGREEMENT

Lease No.: 113000

File No.: 0337654

Disposition No.: 872885

THIS AGREEMENT is dated for reference July 15, 2020.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

AND:

HORNBY ISLAND RESIDENTS' AND RATEPAYERS' ASSOCIATION

Po Box 16

Hornby Island, BC V0R 1Z0

(the "Client")

WITNESS THAT WHEREAS:

The Province and the Client entered into a Lease No. 113000 dated November 14, 2008 (herein called the "Tenure") over those lands more particularly known and described as:

Lot 1, Section 11, Hornby Island, Nanaimo District, Plan 32827

The parties have agreed to amend the Tenure.

NOW THEREFORE in consideration of the premises, and of the covenants and agreements herein contained, the parties hereto mutually covenant and agree as follows:

- 1 To amend the site plan to identify the new location for the Art Centre, and to relocate the former Arts Centre trailer beside the Hornby Denman Community Health Care Society office.

- 2 In all other respects the Tenure shall remain in full force and effect and is hereby ratified and confirmed.
- 3 Time shall continue to be of the essence in this agreement and the Tenure.
- 4 This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed and delivered this agreement as of the day and year first above written.

SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA**
by the minister responsible for the *Land Act*
or the minister's authorized representative

Minister responsible for the *Land Act*
or the minister's authorized representative

SIGNED on behalf of **HORNBY ISLAND RESIDENTS' AND RATEPAYERS' ASSOCIATION**
by a duly authorized signatory

Authorized Signatory



Hornby Island Arts Council

Tree Assessment and Retention Plan Update

The Coastal Arborist

1120 21st street
Courtenay, BC
250-702-7844
joshthearborist@gmail.com

July 27th, 2020

Hornby Island Arts Council

Sollans rd
Hornby Island, BC
tnawrot@icloud.com

In response to the emails from Tor and Jonny about identifying the location of the tagged trees. Please see the map below and the numbers that correspond with the tree assessment chart created from our initial visit. On the day of our initial inventory we were informed that the building location was going to be changed by 17 feet. At this point we had no map of the direction of translocation or markers to go off of. This may have caused some discrepancy in the trees we selected to retain and those that the site map designers selected. With the updated site map it is clear to see that some additional trees should be included in the retention group. These trees have been tagged with a '#'. Furthermore there were trees that we included in our original assessment that were not marked on the site plan map. This includes tree numbers 1-4 and 25-27. They have been added to the map. It should be noted that the trees to be removed have been marked with paint at the site. We are happy to answer any further questions regarding the retention trees and their preparation prior to construction.

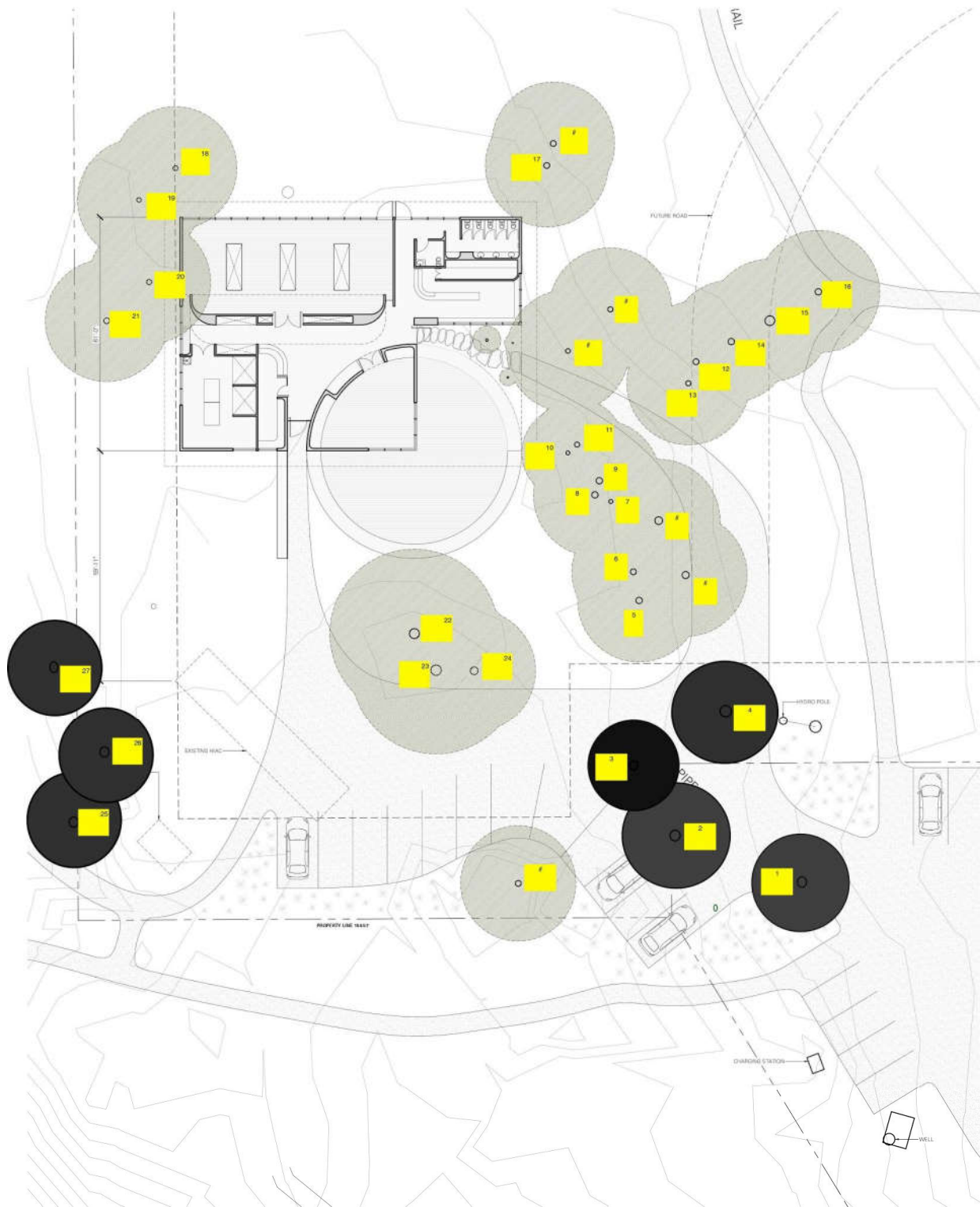
Inventory Assessment Data

Tree #	Species	DBH	Condition	Notes
1	Douglas Fir	77	Good	Deadwood and hazard prune.
2	Douglas fir	59	Fair	Deadwood and hazard prune.
3	Douglas fir	74	Good	Deadwood and hazard prune.
4	Douglas fir	76	Good	
5	Douglas fir	57	Good	
6	Douglas fir	46	Good	
7	Douglas fir	28	Good	
8	Douglas fir	52	Fair	
9	Douglas fir	53	Good	
10	Douglas fir	25	Good	
11	Douglas fir	45	Good	
12	Douglas fir	58	Fair	Deadwood and hazard prune.
13	Douglas fir	47	Good	
14	Douglas fir	64	Fair	Gummosis.
15	Douglas fir	47	Good	
16	Douglas fir	47	Fair	
17	Douglas fir	37	Fair	

18	Douglas fir	46	Good	Root flare sits high. Blow down area from root rot.
19	Douglas fir	33	Good	Root flare sits high. Blow down area from root rot.

20	Douglas fir	39	Fair	Root flare sits high. Blow down area from root rot.
21	Douglas fir	44	Fair	Root flare sits high. Blow down area from root rot.
22	Douglas fir	107	Fair	Codominant stems.
23	Douglas fir	75	Good	Deadwood and hazard prune.
24	Douglas fir	60	Good	
25	Douglas fir	46	Good	Deadwood and hazard prune.
26	Douglas fir	35	Fair	Cankers present.
27	Douglas fir	55	Good	

To accommodate the new information from Tor Nawrot about the footprint of the parking lot, three trees from the list are now not able to be retained. Trees number 25, 26, and 27 are within the parking lot footprint/ construction zone buffer and will need to be removed.



D'Arcy Jones Architects Inc.

305 - 170 Broadway East
Vancouver BC V6T 1W2
T 604 699 2235
F 604 699 2231
info@darcyjones.com

HORNBY ISLAND ARTS CENTRE
DRAFT SITE PLAN - 200629
FOR REFERENCE ONLY

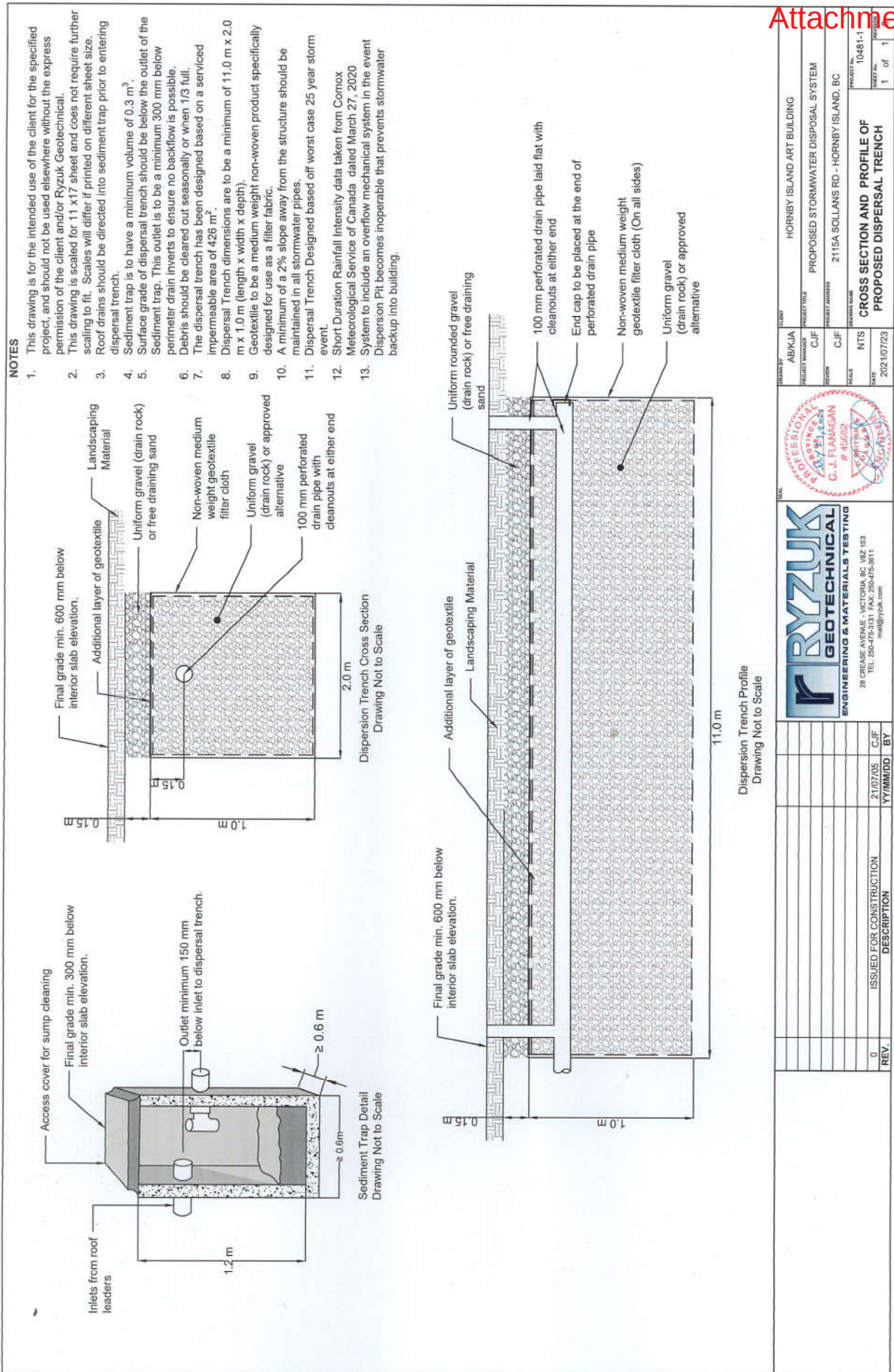
Report prepared by:

ISA certified arborists

Madison Tosswill ON-2554A

Joshua Spears PN- 6759A

**The Coastal Arborist Tree Care Co.
250 702 7844**



Jan Kennedy

HORNBY ISLAND, BC
V0R1Z0

January 13, 2023

ISLANDS TRUST

Northern Office

northinfo@islandstrust.bc.ca

Alex Allen

aallen@islandstrust.bc.ca

Grant Scott

gscott@islandstrust.bc.ca

Re: Proposed Rogers Cell Tower for Hornby Island

I write with strong concerns about the proposal by Rogers to site a 60m free standing cell tower on Hornby Island.

It is becoming increasingly evident, in looking at Facebook discussion, in attending locally arranged Town Hall meetings, in participating in local informal discussions, as well as noting the growing list of names on a local Petition against the tower, that many Hornby folks have reservations about a cell tower being sited on Hornby Island.

It is also evident that most Hornby folks understand, and are supportive of, the need for significantly improved internet access on Hornby. We look forward to the soon-to-arrive City West fibre optic project will facilitate educational, recreational and business opportunities for all and can even facilitate cell phone use through apps such as Facebook Messenger. This project will offer a huge improvement with safe, fast and reliable connection, which, in turn, can allow each home to determine if they wish to allow wireless access to their personal devices, or the faster, more secure alternative of hard-wiring their devices within their homes.

Hornby Island is seen as a "refuge" for many, year-round residents, part-time residents and visitors, alike. The beauty and glory of the natural world on our beautiful island home is valued as a place of peace, healing and renewal. We are fortunate to have Islands Trust, with its extra level of awareness and concerns for the protection of our island environments, as our land use authority. As is written on the Islands Trust website,

"The purpose of this trust is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia. In doing so, the provincial government made the commitment to protect the islands from excessive and inappropriate development. The Islands Trust remains our nation's only institution charged with the stewardship of a particular environment and the preservation of a special, rural quality of life."

I urge you, as our land use authority, to act on several different fronts, in preserving and protecting this very special place:

- Improve our local autonomy and heightened awareness of, and protection for, the well-used areas of our Community School, our PreSchool, our Community Hall, our Health Clinics, our Art Center, our Credit Union, the Ball Part and Kitchen, and our Recycling Depot, by increasing the notification package radius to 3X the height of the proposed tower as suggested under "Distance Considerations" in the Islands Trust Model Strategy for Antenna Systems, adopted at the Sept.9, 2022 local Trust meeting.
- Require proof of liability insurance against harmful effects of radiofrequency radiation on health from all telecommunications companies deploying wireless technologies.

- Require any contract to include: assurances that the Proponent, e.g., the telecommunications company, will abide by any new federal government guidelines or regulations that may be established to limit emissions; will de-power antennas and remove antennas and supporting equipment when radiofrequency energy is determined to be a Group 2A or Group 1 carcinogenic hazard (i.e., grandfathering would not be permitted).
- Ask for a postponement of the Roger's application until after the City West project is completed and Hornby folks have had an opportunity to adjust and incorporate all the new aspects and possibilities of much improved internet access.
- Pass a symbolic resolution calling on the Federal Government to revise Safety Code 6, implement the recommendations of the 2015 HESA Report, and in the interim, to stop 4G/5G rollout of small and macro antennas close to where people spend much time, and to put a hold on the auction of the spectrum. It is my understanding that around the world municipalities have been doing this. In Canada, the town of Sutton, Quebec was the first to do so. They adopted a resolution calling on the federal government to institute a moratorium on the deployment of 5G "until the various studies reach a consensus on the absence of risks and impacts of 5G cellular technology on health and the environment.
<https://www.pressreader.com/canada/sherbrooke-record/20191220/281560882693827>
- Write a statement of non-concurrence regarding the proposed Roger's cell tower siting.

You have an opportunity to strengthen the protection for this special place and its unique and sensitive community and environment through Amendments to the Model Strategy for Antenna Systems and I respectfully suggest that you make full use of that opportunity now.

Sincerely,

Jan Kennedy

42 year full-time resident of Hornby Island

From: Shannon Warwick [REDACTED]
Sent: Wednesday, February 15, 2023 2:05 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: For Hornby Island LTC for inclusion under Correspondence in their Agenda.

Can I please submit the idea of streamlining the variance process for smaller parcels (between 3 or 4 to under 10 acres), that have adequate systems and are willing to consider providing cooperative affordable year round housing, for sale or for rent? Particularly, if the owner is willing to lock the land up in a land trust committed to cooperative affordable housing?

This would help our affordable housing crisis SO MUCH!

Shannon Warwick

Tony Law

[REDACTED]

[REDACTED]

To: Islands Trust Council
and Hornby Island Local Trust Committee

09 March 2023

re: Temporary Use Permits for Housing and for Short Term Rentals
- advocacy for changes to the *Local Government Act*

Temporary use permits (TUPs) are a potentially valuable tool for local trust committees, Bowen Island Municipality, and other local governments, to address non-permanent housing solutions and the use of dwellings for short term rentals.

However, provincial regulations governing the use of temporary use permits - *Part 14, Division 8, of the Local Government Act* - specify requirements originally put in place for commercial and industrial uses. These requirements create challenges in using TUPs for housing and short term rentals.

I encourage the Islands Trust to approach the Ministry of Municipal Affairs - and to work with other local government (such as through AVICC and UBCM) - to advocate for amendments to the *Local Government Act* to make TUPs a more useful tool for local governments to address the important issues of housing and short term rentals.

At the end of this letter are suggested amendments to the *LGA*.

First, here is some background and rationale.

- Housing and TUPs

Most LTA's and many other communities are facing housing challenges. Permanent solutions are hard to achieve.

In the meantime, desperate residents are seeking at least a short term option. There are owners of larger lots who are willing to provide an option by allowing a housing-challenged resident to temporarily place a removable dwelling unit (tiny home, mobile unit, caravan, recreational vehicle, etc) on their land as interim measure. Alternatively, an existing accessory building could be temporarily adapted for residential use.

In many cases, situations are so desperate, and landowners keen to help, that such solutions are being put in place despite not conforming with land use regulations. But non-permitted uses don't provide a secure situation. In other cases, landowners are holding off because the use is not permitted.

Generally, additional residential density on a property is considered through a rezoning application. But this is an onerous and expensive process for the applicant and the local government. A public hearing would likely reveal concerns about the inappropriateness of adding permanent density to a property in order to address a non-permanent arrangement between a current landowner and resident.

TUPs are a more appropriate permitting tool for this purpose. In fact, this option has been used by some local governments elsewhere. It is available in the Hornby Island and Denman Island LTAs, but there have been few, if any applications in these LTAs.

These seem to be the barriers:

- the requirement for a public hearing;
- the limited term of TUPs (3 years + renewal for 3 years);
- the assumption that a subsequent TUP cannot be applied for.

- Short term rentals and TUPs

Local governments in the Trust Area and throughout BC are faced with the challenge of whether to permit the burgeoning activity of short term rentals and if so how. Some communities are deciding to not permit the use at all. Others are trying to find ways to manage it.

Many municipalities are using business licences enabled under the community charter. These are not available to regional districts or local trust committees. The Ministry of Municipal Affairs has made it clear that the Islands Trust's "authorities in legislation are in relation to land use and planning" (business licenses are not a land use planning authority) and that if a regional district were to request business license authority, the Ministry and the regional district would need "to come to a common understanding of matters such as costs, impacts and enforcement implications of business licensing in a more rural context before pursuing a more general authority."

As it is, there is a limit to what can be regulated by business licenses authority compared to what can be addressed through land use authority.

With respect to using land use authority to allow and manage short term rentals, there are two options:

- a) to allow the use through zoning regulations;
a local government would have limited capacity to manage the vacation rentals because any tightening up of regulations or discontinuation of the permitted use would result in existing uses being lawfully non-conforming.
- b) to allow the use on a site-specific basis through temporary use permits;
a local government would be able to manage the use through having the ability to decide when, where and how to issue permits that would eventually expire.

Some local governments are already using TUPs to manage vacation rentals, including:

The Town of Gibsons
Alberni-Clayoquot Regional District
Regional District of Okanagan-Similkameen
Thompson- Nicola Regional District
Columbia Shuswap Regional District
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
North Pender Island Local Trust Committee

However, as with housing, there are issues that make them a much less-than-perfect fit for this use:

- the requirement for a hearing;
- the limited term of TUPs (3 years + renewal for 3 years);
- the assumption that a subsequent TUP cannot be applied for.

- Temporary Use Permits - background

In 1985, the *Municipal Amendment Act* added s.975 to the *Municipal Act* to enable local governments to issue “temporary commercial and industrial permits”. These provided a way to consider allowing commercial and industrial uses that were not permitted in a zoning bylaw.

The legislation requires:

- a) a hearing – on the basis that a proposed use would not have been subject to a public hearing in conjunction with establishing the OCP and zoning regulations;
- b) a term limitation of 2 years for a permit – and a further two years for its renewal - on the basis that a particular use being proposed was expected to be of short duration or subject to potential rezoning if an applicant wished to continue it permanently after a test period.

In 1998, the legislated provision for temporary commercial and industrial permits was continued in the new *Local Government Act*.

In, 2010 , the *Miscellaneous Statutes Amendment Act* , made a number of amendments to the *Local Government Act*. Temporary permit powers were amended to eliminate all references to commercial and industrial uses. What is now referred to as a temporary use permit (TUP) can allow any use that is not permitted by a zoning bylaw, including for example residential, agricultural and institutional uses. The maximum period for a TUP and a renewal were both increased from 2 to 3 years. All other regulations relating to TUPs remained the same.

- The changed context for Temporary Use Permits

The context for Temporary Use Permits has changed.

There are two meanings for the word “temporary”:

- “lasting for only a limited period of time”;
- “not permanent”.

When temporary commercial and industrial permits were first introduced, it was with the expectation that they would be applied to uses lasting for only a limited period of time.

Now, a number of local governments are utilizing TUPS to permit housing and vacation rentals as a valued alternative to permanently entrenching the use in zoning regulations.

TUPs are the only available land use planning tool for managing non-permanent uses.

- Suggested changes to Part 14, Division 8, Temporary Use Permits

In order to enable temporary use permits to be more useful for permitting non-permanent housing and short term rentals, here are three suggested additions to the legislation.

These would not impact how the regulations would be applied to other uses.

- Suggested addition to address requirements for a hearing:

(6) Section 494 (1), (2), (3), (4), and (5) with respect to public notice and hearing requirements do not apply if a local government proposes to pass a resolution under section 493 (1) (a) with respect to issuing a temporary use permit that would:

a) permit the short-term rental use of an existing permitted residential dwelling unit, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.

b) permit one temporary dwelling unit to be used for residential purposes, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.

Section 494 was put in place to provide an opportunity for a hearing about proposed commercial and industrial uses that had not been subject to a hearing when an OCP and zoning regulations were established. Although an additional dwelling unit or the use of an existing unit for paying guest accommodation are not as significant uses as commercial and industrial activities, there is still a case to be made for an opportunity for public input on whether and how such uses should be permitted.

This public input can be considered at a public hearing for an OCP/LUB amendment to establish policies to specify where temporary use permits for non-permanent housing and short term rentals may be considered and guidelines for permit conditions in advance of any permits being considered.

For example,

- policies could make statements like:

“Temporary use permits for non-permanent dwelling units shall only be considered on...lots larger than 2ha....or....on lots in the R2 zone....or.....on lots outside of areas known to have problems with the quantity and quality of water supply....or....?”

“Temporary use permits for short term rental of dwelling units shall only be considered on...lots zoned for residential use.....or....on lots in the R2 and Agricultural zones....or....?”

- guidelines for non-permanent dwellings could include requirements such as

...the dwelling must be removable or an existing accessory building that can be reconverted for non-residential use...

....the dwelling must be no larger than xxx square metres....

....the dwelling must be set back at least xx metres from any lot line...

- guidelines for short term rentals could include requirements such as:

...the short term rental use should not involve more than x bedrooms...

...the short term rental should not operate for more than x months in a year...

Having such policies and guidelines in the OCP, subject to a public hearing, will eliminate the need for a public hearing for each individual application because there will have been public input into establishing where and how the use would be conducted (as would have been the case in establishing zoning regulations).

- **Suggested addition to address the term of a permit:**

(2.1) Despite 497(2), a temporary use permit may be renewed up to 3 times if the permit permits either:

a) the short-term rental use of an existing permitted residential dwelling unit;

b) one temporary dwelling unit to be used for residential purposes.

Allowing a local government discretion to renew such a permit three times, rather than once, would provide an applicant with a sense that, while the use is not being permitted permanently there is an opportunity for it to be extended. This would also allow local governments to review the appropriateness of the permit on a regular basis, including consideration of evidence of non-compliance with permit conditions.

- **Suggested addition address to possible subsequent permits:**

(2.2) Following the expiration of a permit, the person to whom the temporary use permit has been issued may apply for a new permit to be considered for the same use.

A frequently stated reason for apprehension about the use of temporary use permits for non-permanent housing or for short term rentals is the assumption that when the permit expires, that's it – the use can not be subsequently re-permitted on the lot.

As I read it, the *Local Government Act* is silent on this matter. which suggests that there is no prohibition of a subsequent application. But this would be usefully clarified by a definitive statement.

- Local Government Act, Part 14, Division 8,

Here is the text of this division.

Suggested additions are inserted in ***bold italic***.

Temporary Use Permits

Designation of temporary use permit areas

492

For the purposes of section 493, an official community plan or a zoning bylaw may

- (a) designate areas where temporary uses may be allowed, and
- (b) specify general conditions regarding the issue of temporary use permits in those areas.

Temporary use permits for designated areas and other areas

493

(1) On application by an owner of land, a local government may issue a temporary use permit as follows:

- (a) by resolution, in relation to land within an area designated under section 492;
- (b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.

(2) A temporary use permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
- (b) specify conditions under which the temporary use may be carried on;
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

(3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Public notice and hearing requirements

494

- (1)** If a local government proposes to pass a resolution under section 493 (1) (a), it must give notice in accordance with subsections (2) to (4) of this section.
- (2)** The notice must state
- (a)** in general terms, the purpose of the proposed permit,
 - (b)** the land or lands that are the subject of the proposed permit,
 - (c)** the place where and the times and dates when copies of the proposed permit may be inspected,
 - (d)** the time and date when and, if applicable, the place where the resolution will be considered, and
 - (e)** if the meeting at which the resolution will be considered is conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means.
- (3)** The notice must be published in accordance with section 94 [requirements for public notice] of the Community Charter at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.
- (3.1)** If the local government has adopted a bylaw under section 94.2 [bylaw to provide for alternative means of publication] of the Community Charter, the notice must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.
- (3.2)** If the local government has not adopted a bylaw under section 94.2 of the Community Charter, the last publication of the notice must be not less than 3 days and not more than 14 days before the adoption of the resolution to issue the permit.
- (4)** Section 466 (4) to (8) [specific requirements in relation to notice of public hearing] applies to the notice as if the resolution were a bylaw.
- (5)** If a local government proposes to adopt a bylaw under section 493 (1) (b), the following sections apply:
- (a)** section 464 [requirement for public hearing];
 - (b)** section 465 [public hearing procedures];
 - (c)** section 466 [notice of public hearing];
 - (d)** section 469 [delegating the holding of public hearings];
 - (e)** section 470 [procedure after public hearing].

(6) Section 494 (1), (2), (3), (4), and (5) with respect to public notice and hearing requirements do not apply if a local government proposes to pass a resolution under section 493 (1) (a) with respect to issuing a temporary use permit that would:

a) permit the short-term rental use of an existing permitted residential dwelling unit, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.

b) permit one temporary dwelling unit to be used for residential purposes, provided the official community plan or zoning bylaw has designated areas where a temporary use permit may be issued for this particular purpose and has specified general conditions regarding the issue of permits for this use.

Permit conditions: undertakings respecting land

495

(1) As a condition of issuing a temporary use permit, a local government may require the owner of the land to give an undertaking to

(a) demolish or remove a building or other structure, and

(b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.

(2) An undertaking under subsection (1) must be attached to and forms part of the permit.

(3) If the owner of the land fails to comply with all of the undertakings given under subsection (1), the local government may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

Permit conditions: additional security requirements

496

(1) In addition to any security required under section 502, a local government may require, as a condition of issuing a temporary use permit, that the owner of the land give to the local government security to guarantee the performance of the terms of the permit.

(2) If there is a requirement for security under subsection (1), the permit may provide for

(a) the form of the security, and

(b) the means for determining

(i) when there is default under the permit, and

(ii) the amount of the security that forfeits to the local government in the event of default.

Term of permit and renewal of permit

497

(1) The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the earlier of the following:

- (a) the date that the permit expires;
- (b) 3 years after the permit was issued.

(2) A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once.

(2.1) Despite 497(2), a temporary use permit may be renewed up to 3 times if the permit permits either:

- a) the short-term rental use of an existing permitted residential dwelling unit;***
- b) one temporary dwelling unit to be used for residential purposes.***

(2.2) Following the expiration of a permit, the person to whom the temporary use permit has been issued may apply for a new permit to be considered for the same use.

(3) Subsection (1) and sections 495 [permit conditions: undertaking respecting land] and 496 [permit conditions: additional security requirements] apply in relation to a renewal under subsection (2).

.....

Thank you for considering this.

I hope it is helpful.

Sincerely,

Tony Law

Formerly:

- Hornby Island Local Trustee (1996-2018)
- Chair, Islands Trust Council's Task Force on Community Housing
- President, Islanders Secure Land Association (a Community Land Trust)
- Executive Director, Hornby Island Community Economic Enhancement Corporation
- Appointee, Comox Valley Regional District Select Committee on Homelessness and Housing



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** Various
From: David Marlor, Director, Legislative Services **Date Prepared:** March 6, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That Hornby Island Local Trust Committee Bylaw No. 171, cited as “Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023” be given first, second and third reading.
2. That Hornby Island Local Trust Committee Bylaw No. 171, cited as “Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Hornby Island Local Trust Committee – Freedom of Information and Protection of Privacy Bylaw No. 171

Alternative:

1. That draft Bylaw No. 171 be amended, and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.
2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 6, 2023
Concurrence:	Renée Jamurat, Regional Planning Manager	March 7, 2023

**HORNBY ISLAND LOCAL TRUST COMMITTEE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 171**

A Bylaw to designate the head of the Hornby Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Hornby Island Local Trust Committee the authority to designate a person as the head of the Hornby Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Hornby Island Local Trust Committee the authority to set any fees the Hornby Island Local Trust Committee requires to be paid under section 75 of the Act,

THE HORNBY ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Hornby Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Hornby Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Hornby Island Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 87, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this _____ DAY OF _____ ,20__

READ A SECOND TIME this _____ DAY OF _____ ,20__

READ A THIRD TIME this _____ DAY OF _____ ,20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ ,20__

RECONSIDERED AND FINALLY ADOPTED THIS _____ DAY OF _____ ,20__

Chairperson

Secretary

Hornby Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 171 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
	(i)	floppy disks	\$2 per disk
	(ii)	CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii)	computer tapes	\$40 per tape, up to 2 400 feet
	(iv)	microfiche	\$3 per fiche
	(v)	microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi)	microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii)	photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
	(viii)	photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix)	dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x)	dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi)	scanned electronic copy of a paper record	\$0.10 per page
	(xii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii)	slide duplication	\$0.95 each
	(xiv)	audio cassette tape (90 minutes or fewer)	\$5 per cassette plus \$7 per ¼ hour of

			duplication	recording
		(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2			the actual cost to the public body of providing that service



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

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

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of \$25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a \$50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a \$4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2023.1	Hornby Island Ares Council Planner: Margot Thomaidis	06-Mar-2023	PID: 000-194-239 New art centre. Civic address: 2115A Sollans Road, Hornby Island, BC.
Planning Status			
Status Date:			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.4	Reg Pineiro Planner: Margot Thomaidis	06-Apr-2022	PID: 000-157-503 To rebuild deck that is within the natural boundary. Civic address: 5905 Maclean Road, Hornby Island, BC.
Planning Status			
Status Date: 09-Jan-2023 Site visit			
Status Date: 05-Aug-2022 Requested and awaiting additional information from applicant.			
Status Date: 20-Apr-2022 Planner reviewing file.			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2023.1	Nelson, Rachel & Derek	30-Dec-2022	PID: 003-319-474 DVP required to bring property into compliance. Civic address: 5255 Sandpiper Road, Hornby Island, BC.
Planner: Margot Thomaidis			
Planning Status			
Status Date: 10-Feb-2023 Staff requested survey signed by BCLS			
Status Date: 10-Feb-2023 Awaiting application information			
Status Date: 02-Feb-2023 Planner reviewing file.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.
Planner: Stephen Baugh			
Planning Status			
Status Date: 05-Dec-2022 Building plans missing from application. Applicant to provide by end of March 2023.			
Status Date: 25-Oct-2021 File transferred from Planner Cox to Stephen Baugh.			
Status Date: 12-Oct-2021 No change in status.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2022.7	Dickie, Allan & Bonnie	02-Aug-2022	PID: 000-941-344 Building for community vegetable production. Civic address: 4420 Brigantine Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 24-Jan-2023

Still waiting for file material Will wait until Feb 2/23, then send refund. Applicant can reapply.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2022.9	Milum & Eustace, Steve & Catherine	27-Sep-2022	PID: 003-342-158 New house. Civic address: 4990 Porpoise Crescent, Hornby Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 27-Feb-2023

Applicant to send additional information.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.2	Nelson, Rachel & Derek	30-Dec-2022	PID: 003-319-474 SUP required to bring into compliance. Civic address: 5255 Sandpiper Road, Hornby Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date:



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.3	Brown & Twible, David & Laura	17-Jan-2023	PID: 000-941-255 Building small building. Civic address: 3870 Brigantine Crescent, Hornby Island, BC.
Planner: Charly Caproff			
Planning Status			
Status Date: 27-Feb-2023			
Sent to North office for issuance			
Status Date: 03-Feb-2023			
Contacted Komoks FN and the applicant - within 200 m of natural boundary of the sea			
File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.4	Hornby Island Arts Council	06-Mar-2023	PID: 000-194-239 Building new arts centre. Civic address: 2115A Sollans Road, Hornby Island, BC
Planner: Margot Thomaidis			
Planning Status			
Status Date:			

Islands Trust

LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending January 2023

635 Hornby	Invoices posted to Month ending January 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	252.00	196.95	55.05
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,147.00	2,160.85	-13.85
65210-635	LTC - Local Exp - APC Meeting Expenses	333.00	265.10	67.90
65220-635	LTC - Local Exp - Communications	250.00	98.00	152.00
65230-635	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>3,006.00</u>	<u>2,523.95</u>	<u>482.05</u>
Projects				
73001-635-4126	Hornby OCP Amendment Review	15,000.00	8,080.25	6,919.75
TOTAL Project Expenses		<u>15,000.00</u>	<u>8,080.25</u>	<u>6,919.75</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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

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

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

No.	Meeting Date	Resolution No.	Issue	Policy
9.	November 6, 2020	HO-2020-081 See HO-2017-011 HO-2018-070 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.
10.	October 8, 2021	HO-2021-053 See HO-2017-011 HO-2018-070 and HO-2020-081 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.
11.	October 8, 2021	HO-2021-054	Enforcement actions on unlawful permanent dwellings – deferral	It was MOVED and SECONDED, that Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.
12.	September 9, 2022	HO-2022-053	Model Cell Tower Consultation Process	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.

Active Projects Report

Hornby Island

1. *Comprehensive OCP Review*

Responsible

Dates

Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package. Update: add consideration of steep slope area regarding heritage portion of central road to ford cove and consideration of wetland categories.

Heather Kauer

Rec'd: 06-Nov-2020



Future Projects Report

Hornby Island

1. *OCP*

Responsible

Date Received

- Ford's Cove Neighbourhood and Transportation Plan
- Aquifer Classification System: A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021
- Freshwater Sustainability: LTC project absorbed into regional project managed by RPC in 2018-2022 term

09-Sep-2022

2. *OCP & LUB*

Responsible

Date Received

- Climate Change: Address climate change through amendments of OCP policies and LUB regulations
- Regional Conservation Plan: Consider amendments to the OCP and LUB that would make these documents consistent with the Regional Conservation Plan

09-Sep-2022

3. *Advocacy and Communications*

Responsible

Date Received

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

09-Sep-2022

4. *LUB*

Responsible

Date Received

- Consider zoning amendments to allow chickens (but not roosters) in all zones.
- Consider excluding cisterns from setback regulations.

09-Sep-2022

Future Projects Report

Hornby Island

5. *Administrative*

Responsible

Date Received

1. Establish a heritage registry.

20-Jan-2023

6. *Bylaw Enforcement*

Responsible

Date Received