

From: Anthony Law [REDACTED]
Sent: Thursday, April 17, 2025 3:07 PM
To: northinfo <northinfo@islandstrust.bc.ca>
CC: Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>; Wendy Burton <wendy.burton@ufv.ca>; ronandesign [REDACTED]
Subject: To: Hornby Island LTC - Significant Uncorrected error

To Hornby Island Local Trust Committee:

Seven years ago, at the February 18, 2018 meeting of the Hornby Island Local Trust Committee, I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150 that needed to be corrected.

Almost six years ago, on May 28, 2019, I sent an email (*below*) to trustees and staff providing details of this error and asking "when will this error be corrected?"
No response.

Three years ago I sent an email (*below*) to the Hornby Island Local Trust Committee asking "what is being done to correct this?"
No response.

I have pretty much given up on the Islands Trust being a functional organization,but here I go again!!

Why hasn't this error been corrected?
When will it be corrected?

I know things take a long time to get done at the Islands Trust (hence I was a trustee for about twenty years!) - but I believe this is not something that should have been put off for seven years.

Thank you.

Tony Law

Anthony Law [REDACTED]

Jan 6, 2022,
3:51 PM

Jan 6, 20

to northinfo, aallen, Islands, Wendy, ronandesign, Sue

to northinfo, aallen, Islands, Wendy, ronandesign, Sue

To: Hornby Island LTC - Significant Uncorrected error

To: Hornby Island Local Trust Committee

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee and also in an email sent to trustees and staff on May 28, 2019 (**below**), I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150.

What is being done to address this?

The error is that the site specific regulations for Sub-zone PU(a) incorrectly state:

Despite 8.21(1), the only permitted uses are:

- (a) Cemetery;***
- (b) Public utility storage yard;***
- (c) Highways maintenance yard; and***
- (d) Recycling depot.***

The previous Land Use Bylaw #86, correctly stated for this sub-zone:

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

- 9.12.8.1 Highways maintenance yard;***
- 9.12.8.2 Recycling depot;***
- 9.12.8.3 Public utility storage yard;***
- 9.12.8.4 Cemetery; and***
- 9.12.8.5 Community trades and services, including associated retail.***

There was never any decision made to change what were *additional* permitted uses for this sub-zone into the *only* permitted uses.

This unintended change is an error that should have been corrected by now.

It renders the "community trades and services" uses in the Hornby Spark building as non-permitted uses and precludes any "community housing" projects from happening in the portion of the Public Use zone that is south of Central Road.

Bylaw 134 had specifically amended the permitted uses for the Public Use zone in Bylaw

To: Hornby Island LTC - Significant Uncorrected error

#86 to include "community housing" because of a potential project south of Central Road.

When will this error be corrected?

Thank you.

Tony Law

.....

From: "Tony Law" [REDACTED]
To: "Alex Allen" <aallen@islandstrust.bc.ca>
Cc: gscott@islandstrust.bc.ca; "northinfo@islandstrust.bc.ca" <northinfo@islandstrust.bc.ca>
Sent: 2019-05-28 9:44:54 AM
Subject: Public use area - zoning error

Hi Alex:

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee I brought attention to an error in the current Land Use Bylaw which means that, if unchanged, Hornby Island Spark's intended use of the old fire hall which they purchased yesterday is not permitted.

Here is an extract from the minutes of that meeting:

14.3 Public Utility PU(a) Zone in Land Use Bylaw - for discussion

A Trustee reported that an error has been discovered in the Land Use Bylaw zone PU(a) Site Specific Regulations that requires a correcting amendment. Timing and options for moving

To: Hornby Island LTC - Significant Uncorrected error

forward with the correction were considered to be dependent on whether this may impact the Comox Valley Regional District's ability to acquire the Old Fire Hall.

HO-2018-008 It was MOVED and SECONDED, that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw. CARRIED

Attached is the previous Hornby Island Land Use Bylaw and zoning map.

Here are links to the current Bylaw and map:

Hornby Island Land Use Bylaw #150

<http://www.islandstrust.bc.ca/media/346211/hobl-150-lub-consmar2018.pdf>

- zoning map:

<http://www.islandstrust.bc.ca/media/341894/hobl-150-lub-map-schedule-b-bl-153-cons.pdf>

I have extracted the sections on the Public Use zone from both bylaws below.

As you will see, *Bylaw 86* designates a subzone within the *Public Use Zone* on the south side of Central Road which specifies the following additional permitted uses for this subzone only:

- Highways maintenance yard;
- Recycling depot;
- Public utility storage yard;
- Cemetery; and
- Community trades and services, including associated retail.

To: Hornby Island LTC - Significant Uncorrected error

However, *Bylaw 150* also designates the same subzone but specifies that the only permitted uses are:

- (a) Cemetery;
- (b) Public utility storage yard;
- (c) Highways maintenance yard; and
- (d) Recycling depot.

I have no idea how this change came about and cannot recall it being addressed by staff, the LTC or the APC.

I believe *Bylaw 86* correctly addresses what was intended for this subzone which had been identified as an area that could potentially include such uses specified for the whole zone such as community housing on the old Lion's Club land, a community trades and services centre on the land previously identified for light industrial uses and a hostel or community trades and services in the old fire hall.

In particular, *Bylaw 150* does not permit "community trades and services" in this subzone (which includes the old fire hall purchased by Spark for this purpose) whereas that use was specifically identified as one to be conducted on the land south of Central Road.

Extract from Bylaw 86

9.12 PUBLIC USE (PU) ZONE

The purpose of the Public Use Zone is to provide regulations for a range of institutional, public service and community uses for the benefit of the resident population and visitors to Hornby Islands.

PERMITTED USES

9.12.1 In the Public Use (PU) Zone, the following uses are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

To: Hornby Island LTC - Significant Uncorrected error

- 9.12.1.1 *Community facility;*
- 9.12.1.2 *School;*
- 9.12.1.3 *Health clinic;*
- 9.12.1.4 *Elder's activity centre;*
- 9.12.1.5 *Office of a non-profit society;*
- 9.12.1.6 *Government office;*
- 9.12.1.7 *Museum;*
- 9.12.1.8 *Library;*
- 9.12.1.9 *Police station;*
- 9.12.1.10 *Public recreation facility;*
- 9.12.1.11 *Accessory uses including accessory residential, accessory retail and accessory food services;*
- 9.12.1.12 *Farmers market;*
- 9.12.1.13 *Theatre;*
- 9.12.1.14 *Art gallery;*
- 9.12.1.15 *Fire hall;*
- 9.12.1.16 *Community housing;*
- 9.12.1.17 *Community radio station;*
- 9.12.1.18 *Hostel;*
- 9.12.1.19 *Supported living facility;*
- 9.12.1.20 *Community wash house facility*
- 9.12.1.21 *Community garden; and*
- 9.12.1.22 *Child care facility*

PERMITTED BUILDINGS, STRUCTURES, AND DENSITY 9.12.2 In the Public Use (PU) Zone, the following buildings, structures, and density are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

- 9.12.2.1 *A maximum of 5 community housing units per hectare to a maximum of 20 per lot;*
- 9.12.2.2 *A maximum of one accessory residential dwelling units with a maximum floor area of 200 square metres (2,152 square feet) is permitted per lot; and*
- 9.12.2.3 *Accessory*

buildings and structures. 9.12.3 In the Public Use (PU) Zone, the maximum lot coverage is 10%, of any lot having an area of 1.0 hectares (2.5 acres) or more; or 15% of any lot having an area less than 1.0 hectares (2.5 acres).

MINIMUM SETBACKS

9.12.4 In the Public Use (PU) Zone, the minimum setback for any building or structure, except for a water storage tank, fence or pump/utility shed is at least 8 m (26.2 ft) from a front, rear or side lot line

9.12.5 Despite Subsection 9.12.4, the minimum setback is 60 metres from the north boundary of the remainder of the NW ¼ of Section 11, Hornby Island, Nanaimo District and the north and west boundaries of the NE¼ of the NE ¼ of Section 12, Hornby Island, Nanaimo District.

MINIMUM AND AVERAGE LOT SIZE

9.12.6 In the Public Use (PU) Zone, no lot having an area less than 1.0 hectare (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 1 ha (2.5 acres).

SCREENING REGULATIONS

9.12.7 In the Public Use (PU) Zone, outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

9.12.8.1 Highways maintenance yard;

9.12.8.2 Recycling depot;

9.12.8.3 Public utility storage yard;

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

SITE SPECIFIC ZONING VARIATION - PU(b)

The purpose of the Public Use (b) Zone is to allow for automated electrical stations. 9.12.9

Despite Subsection 9.12.1 the only permitted use in the PU(b) zone is an electric substation.

Extract from Bylaw 150

8.21 Public Use (PU) Zone

Permitted Uses

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

- (a) 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

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

- (a) buildings and structure for the principal permitted uses;*
- (b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and*
- (c) accessory buildings and structures.*

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare. Siting and Size Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 64

(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.*

(5) The floor area of an accessory residential dwelling unit must not exceed 150 m².

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m²

.

Conditions of Use

(7) In this zone the sale of alcoholic beverages in a public recreation facility building shall be limited to "Special Occasion" liquor licences only.

Subdivision Lot Area Requirements (8) The minimum lot area is 1.0 hectare.

Site-Specific Regulations

(9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply.

In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the specific regulations that apply:

<i>Site-Specific Zone Site</i>	<i>Specific Regulations</i>
<i>PU(a)</i>	<i>Despite 8.21(1), the only permitted uses are:</i> <ul style="list-style-type: none"><i>(a) Cemetery;</i><i>(b) Public utility storage yard;</i><i>(c) Highways maintenance yard; and</i><i>(d) Recycling depot.</i>

I hope this is helpful.

Tony

To: Hornby Island LTC - Significant Uncorrected error

Tony Law

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