



Islands Trust

HORNBY ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 149, 2014

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: August 2016

This Bylaw is consolidated for convenience only and is not to be construed
as a legal document.

For reference to original bylaw and amendments, please
contact:

Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following text amendments only:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 151	Amendment No. 1	June 10, 2016

**SCHEDULE A
HORNBY ISLAND OFFICIAL COMMUNITY PLAN**

SECTION I— BACKGROUND

1.1 Context and Interpretation

1.1 ACKNOWLEDGMENT (new) Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lek' enen, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scwáθen mesteyexw, Scla'naw, selliw' etaʔi, SEMYOME, ahísháih, Sǫwǫwú7mesh, Snaw_ -naw-as, Snuneymuxw, Spune'luxuth, STÁUTW, Stz'uminus, taʔemen, toq qaymukw, Ts'uubaa-asatx, Wel Wal Kum, We Wal Kal, WJOLELP, WSIKEM, Xeláibkw, Xwémahkwuʔop qaymukw, and x'meθk'wáyé m (collectively referred to hereinafter as 'First Nations'). Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

This plan is an update to the Hornby Island Official Community Plan Bylaw No. 104, 2002 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use* with a focus on housing and the economy and amendments are incorporated into this plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.

The Plan update distinguishes between "Policies" and "Advocacy Policies". "Policies" are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

Properties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B to this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term "Information Note" is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

1.2 Purpose

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island

Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Trust Policy Statement. In the case of Official Community Plans, approval by the Minister of Community, Sport and Cultural Development is also required before adoption by the Local Trust Committee.

The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which 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 the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance.

Perhaps the phrase "a people without a history can have no vision for the future," was an attitude of European settlers in the 1800s on Hornby Island and elsewhere around the Salish Sea. That recent history on Hornby is in the remnants of snake fences and derelict orchards of settlers. However, the present population is standing on a much longer history found in the blackened shell-flecked soil in shoreline middens, in uplands pits for preparation of food or shelter, further inland in trees modified for cedar bark for clothing, baskets and nets, and in the oral history of plants and shrubs from which the first people take their sustenance. That long oral history covers thousands of years of the use and occupation of Hornby Island before contact.

Deleted: . It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the island rests.

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestones. On reaching the latitude of present-day Mexico, about one hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the island's sedimentary rock, the pebbles in the conglomerate and the

eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the Island gathering the Island's bounty and fishing from its shores.

During the 1860's Hornby Island was virtually empty of people, as a result of the devastating small pox epidemic of 1852. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby Island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.

The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century Hornby had become a fairly prosperous farming community, although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.

Hornby Island, like all islands, promised a dream. The Island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the Island were made up of fishermen, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the Island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. In 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaws Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the Island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the Island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be

again. It has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.

1.6 Socio-economics of Hornby Island

A permanent population of 958 persons in 2011 represents a population decrease of 10.8% since 2001. The population is generally aging with a median age of 58 years. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The Hornby Island Community Profile (March 2010) provides more detailed information.

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the Islands Trust Act, "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 the Province generally, in cooperation with relevant Indigenous communities, municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

Based on that mandate, the objectives of the Hornby Island Community Plan are somewhat complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at scale that does not overburden the limited resources of the island or its residents.

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole island and on the associated needs of future generations.

Hornby Island offers unusual scenic beauty, sandy beaches, interesting geologic formations, clean air, a gentle climate and a community that has a rural lifestyle. The relative isolation of the island has contributed to the self-sufficient character of the community. However, the increasing urban density of the lower mainland and eastern Vancouver Island makes the island attractive to thousands of visitors whose demand for use of the island threatens the very qualities that make the island special.

It is recognized that human settlement on Hornby Island is constrained by the Island's size and its limited supply of fresh water. The fragility of its natural environment constitutes another less obvious and less widely understood constraint to development and use by visitors. Hornby Island offers many outstanding natural and historic features valued today by residents and visitors alike. If these features are to be enjoyed tomorrow, they must be protected today. It is only through community concern and understanding along with a sense of stewardship and responsibility that the Island will be effectively protected and preserved. This Plan presents a well-defined community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

These general objectives express the basic values held by the people of Hornby Island:

1. To ensure that all human activities on the Island respect the natural environment and preserve the fragile ecosystems.
2. To ensure the quality and quantity of the groundwater is not compromised through human activities.
3. To maintain a rural community that is safe, creative, self-reliant and diverse.
4. To develop and support the Official Community Plan to guide the actions and decisions of residents, visitors and all levels of government with respect to Hornby Island.

From these general values, the Official Community Plan gives detailed objectives and policies to ensure that changes are suitable in the long term and have broad community support.

Since the original preparation of this Plan the Hornby community has also developed a collective vision titled the "*Ideal Hornby Island in the year 2020*" that is contained in the *Hornby Island Community Profile*. (listed in Schedule G). This statement of vision transcends land use planning and encompasses the broader vision of a community that is invaluable as a reference as decisions are made. The community vision statements can provide a useful reference in amplifying the meaning behind the principles, objectives and policies of this plan.

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

- a) areas of natural, scenic, historical, archaeological (including areas of First Nations significance) or scientific value,
- b) watershed and groundwater recharge areas,
- c) public land and parks,
- d) areas of significant vegetation, the forests, the wildlife and their habitat,
- e) land with agricultural potential,
- f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
- g) water courses and riparian areas.

To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island.

To minimize pollution of air and water.

To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public, and when applicable, of K'omoks First Nation in local government decisions and in the management of Provincial resources by appropriate agencies, including relevant Indigenous communities.

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To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To ensure a relationship with First Nations with interests in Hornby and the surrounding waters.

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To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

The importance of preserving the sensitive ecosystems of the Island and the need to protect the groundwater resource were recurrent themes during the public review of the Community Plan.

Sensitive Ecosystems and Biodiversity

Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Sensitive ecosystems are considered sensitive because of their rarity and their fragility to disturbance. The protection of sensitive ecosystems is important to maintain biodiversity. Hornby Island has 573.7 hectares of sensitive ecosystems covering 19.2% of the Island. However, the Island has the second highest percentage of land in the Trust Area (29%) converted to human use. Garry oak woodlands, herbaceous areas, mature forest stands, cliffs and wetlands provide habitat for a variety of plants and animals, including about a dozen species at risk.

The Islands Trust has used various types of ecosystem mapping for planning and conservation purposes since its inception. Early sources of information were compiled from various studies while more recent efforts focused on development of ecosystem mapping products. The most recent mapping included:

ITEM – Islands Trust Ecosystem Mapping – This mapping was captured from 2000 and 2002 digital orthophotos. There was no groundtruthing and ecosystem features were representative of a bird's eye view of the landscape.

SEI – Sensitive Ecosystem Inventory – This was a joint initiative between the Federal and Provincial Governments to map rare and fragile ecosystems. Information was derived from aerial photos produced in the early 1990s, supported by selective field checking. An audit, done in 2004 using 2002 orthophotos, outlined the loss of sensitive ecosystems that had occurred in the 10 year time span.

SEM- Hornby Island Sensitive Ecosystem Mapping, 2010 - This is the latest initiative and is based upon 2001 aerial photography and recent selective groundtruthing. It is similar to SEI mapping and is based upon Terrestrial Ecosystem Mapping (TEM). It identifies areas which are fragile and/or rare because of diversity of species they support. They are deemed sensitive as they are easily impacted by human activities. The inventory includes old forest, woodland, herbaceous, wetland, cliff, freshwater as sensitive ecosystems; mature forest as a rare ecosystem and young forest, seasonally flooded agricultural fields and non-sensitive areas as other mapped ecosystems. Mapping of mature forest ecosystems, freshwater and wet forest ecosystems and dry soil ecosystems has also been developed based upon the sensitive ecosystem mapping to facilitate analysis.

Other ecosystem resources are listed in Schedule G – List of Community References.

About 25% of Hornby Island is preserved by provincial and regional parks and another 9% is Crown land managed to protect groundwater recharge. The remaining 66% of the island is divided between Agricultural Land Reserve (28%), large lot residential (30%) and small lot residential, commercial activity and community service use (8%).

Achieving sustainable biodiversity throughout the Island will require stewardship on the part of landowners based upon having knowledge of the ecosystems and understanding of their importance. Land Use regulations and the establishment of Development Permit Areas can play a role in protecting key features.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the

rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

- (1) to preserve the natural ecosystems and biodiversity of the island, and
- (2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity of the island the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Homby Island:

- i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
- ii) conserving relatively undisturbed natural areas;
- iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
- iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
- v) securing connectivity between natural areas whenever the opportunity arises; vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and

preventing the spread of invasive species, and

- viii Protecting culturally relevant indigenous artifacts

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

- i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;
- iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and

- iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the island and senior levels government with jurisdiction over resources on the island to adopt the same commitment. There are currently no active mineral claims on the island and any future development of metal or coal mines on the island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to encourage senior governments to preserve and protect the environment;
- (2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and
- (3) to ensure that permitted land uses do not threaten the sensitive environment of the island and its native biological diversity and
- (4) to preserve signs of indigenous occupation, such as middens, culturally modified trees, clam beds and gardens and fish traps.

Advocacy Policies:

- 3.1.1 A moratorium on oil and gas exploration in the Trust area is supported.
- 3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire island against exploration for mineral or petroleum resources.
- 3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the island.
- 3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.
- 3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).

- 3.1.6 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.
- 3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following;
- a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;
 - b) an effective unsightly premise bylaw; and
 - c) the "dark skies" in rural areas lighting standards.
- 3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.
- 3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply, to preserve native biological diversity, and to acknowledge we are living and working on traditional Indigenous lands.
- 3.1.10 All owners and land users are encouraged to comply with the "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.
- 3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.
- 3.1.12 Programs to control the population of opossums are supported.
- 3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.
- 3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to Indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.
- 3.2 Environmentally Sensitive Areas**

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Background:

Hornby Island has a diverse and fragile ecology with many significant natural features. The climate and soil conditions combine to allow diverse wildflower colonies, bird habitats, and Garry oak groves. The naturally eroded sandstone and conglomerate bluffs along much of the shoreline provide habitat for birds, wildflowers and rare plant species.

The Sensitive Ecosystem Mapping (SEM) completed by the Islands Trust in 2010 provides the most complete and up to date inventory of information on terrestrial based ecosystems. This mapping together with an updated Islands Trust Regional Conservation Plan will assist the Local Trust Committee in its decision making and in the development of land use, subdivision and development permit regulations as such programs develop.

Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy for reference.

The Islands Trust Regional Conservation Plan identified the following Sensitive Ecosystems and their distribution on Hornby Island:

Sensitive Ecosystems (August, 2010):

Sensitive Ecosystem	Area (ha)	Portion of Local Trust Area (%)
Cliff	26.6	0.9
Freshwater	1.2	<0.1
Herbaceous	47.5	1.6
Mature Forest	179.6	6.0
Old Forest	0	0
Riparian	0	0
Woodland	62.8	2.1
Wetland	256.1	8.6
TOTAL	673.7	19.2

Protected areas identified in the Regional Conservation Plan were listed as follows:

Protected Area Distribution (November, 2010):

Type of Protected Area	Area (hectares)	Area as % of Local Trust Area
Conservation Covenant (Conservancy held)	3.9	0.1
Ecological Reserve	0	0
Nature Reserve	0	0
Park – Municipal	0	0
Park – Community	6.7	0.2
Park – Provincial	333.9	11.2
Park – Regional	335.6	11.2
TOTAL	680.1	22.7

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010):

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcornflower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010):

The Hornby Island Local Trust Area is located in the Coastal Douglas-fir Zone. No Old Forest ecosystems were found in the 2008 Terrestrial Ecosystem Mapping (TEM) of the local trust area used for this report, however, 2001 TEM of Helliwell Provincial Park does indicate some small old growth patches. The mapping for Helliwell Park is currently being reviewed and will be updated accordingly. The breakdown of forests by

age class is as follows (note: this includes woodland sensitive ecosystems, so percentages will vary from the sensitive ecosystems section above):

Forest Type	AREA (ha)	AREA (%)
Pole/Sapling Forest (<40 yrs.)	368.85	7.3%
Young Forest(40-80 yrs.)	1508.72	29.8%
Mature Forest (80-250 yrs.)	255.62	5.1%

N.B. See note above regarding Old Forest (>250 yrs).

Marine Ecosystems (September, 2010):

Hornby Island Local Trust Area has two submerged provincial marine parks and two Rock Fish Conservation Areas in its local trust area waters.

Type of Marine Protection	Name of Area	Area (hectares)
Provincial Park	Hellwell	2,798.6
	Tribune Bay	27.0
Rock Fish Conservation Area	Savoie Rocks – Maude Reef	174.4
	Ajax/Achilles Bank	1,622.5
TOTAL		4,560.4

Modified Ecosystems (August, 2010):

Type of Modification	Area (ha)	Portion of Local Trust Area (%)
Cultivated Field	287.6	9.6
Rural	421.7	14.1
Urban	61.0	1.7
Road	106.8	3.6
TOTAL	867.1	29.0

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in the Islands Trust Fund Regional Conservation Plan. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses and Indigenous artifacts, petroglyphs, middens, and culturally modified trees may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts."

A Nature Conservancy of Canada Study of the Islands Trust area, completed in 1995, classified about three quarters of the shoreline and associated beaches as containing moderate to high natural feature value for wildlife, marine and aesthetic features.

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features:

- a) Important Terrestrial Habitat:
 - i) cormorant nesting area on the bluffs of Hellwell Park,
 - ii) heron rookery at Tralee Point and other current or potential heron nesting areas,
 - iii) eagle, osprey and peregrine falcon nesting locations,
 - iv) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs,
 - v) old growth trees and large snags (providing habitat for a variety of species) throughout the island,
 - vi) wetlands and ponds throughout the island providing important habitat, vii) Beulah Creek (salmon habitat), its riparian corridor and feeder creeks, viii) Ford Creek (fish bearing), its riparian corridor and feeder creeks,
 - ix) meadows in the south western part of Hellwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly, and
 - x) buildings providing established habitat for Townsends big-eared bat;
- b) Important Marine Habitat:
 - i) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase, ii) saltwater marsh north of Texada Road providing valuable waterfowl habitat, iii) Norris Rocks and rocks near Flora Islet where sea lions haul out, iv) Islets and rocks around the island where sea birds nest or gather,
 - v) Whaling Station Bay and other bays around the island providing waterfowl habitat,
 - vi) the area of the underwater wall by Flora Islet providing habitat for many marine species and frequented by six-gilled sharks,
 - vii) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species, and viii) areas of marine vegetation important for herring spawning.

Area

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value;
- (2) to ensure protection of sources of fresh water and groundwater recharge areas;
- (3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems; and
- (4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.

3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.

- 3.2.3 In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.
- 3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.
- 3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.
- 3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.
- 3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.
- 3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies

- 3.2.9 Where significant ecological, natural or historical areas reflecting Indigenous or Settler occupation or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.
- 3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are encouraged.
- 3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas and areas where Indigenous land use is evident or suspected on private land are encouraged.
- 3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.

Policies relating to protection of the marine environment are included in subsection 3.6 Marine Conservation.

3.3 Parks and Protected Areas

Background:

The natural features of the Island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks. There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks and a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoka Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoka First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoka.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high natural values and together contain a representative cross-section of the Island's ecological systems thereby offering valuable educational potential. Apart from Tribune Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Hellwell, established in 1986, Tribune Bay, established in 1978 and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Hellwell Park area by Indigenous peoples, including cultivated camas beds, middens, prescribed burns and culturally modified trees. All of the parks are designated "Class A" Parks under the *Park Act*. Hellwell Park contains a 89 hectare (173 acre) terrestrial component on the peninsula culminating in St. John's Point and a 2903 hectare (7008 acre) marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

The "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997" records the following sensitive ecosystems within Hellwell Park: Terrestrial herbaceous, Woodland, Wetland, Older Forest, as well as areas of Second Growth Forest with general bio-diversity values. Flora Islet is almost entirely covered with a sensitive terrestrial herbaceous ecosystem. Threatened vascular plants (red and blue listed by the BC Conservation Data Centre) have been recorded within the Park. The cliffs provide important nesting habitat for comorants. Norris Rocks and the rocks adjacent to Flora Islet are important haul-outs for large numbers of Stellar and California sea lions resident during the winter. A significant population of Harlequin ducks is present in the inshore areas.

The underwater component of Hellwell Park provides habitat for a rich variety of marine species. The main feature is the rock wall adjacent to Flora Islet near where six gilled sharks are regularly observed at unusually shallow depths. The primary attractions of the terrestrial component of Hellwell Park are the spectacular bluffs topped by open meadow areas, the older forest (including particularly large examples of Douglas-Fir and arbutus) and the opportunities to observe wildlife and flowers in bloom. The primary attractions of the marine component are recreational diving to view the rich underwater ecosystem, kayaking and sports fishing areas. There are commercial fisheries in and/or immediately adjacent to the Park area.

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The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999 a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in practical and educational conservation measures. In 2000, BC Parks initiated the Hellwell Ecosystem-based Planning Project.

Tribune Bay Park covers 96 hectares (240 acres), of which 23 hectares (58 acres) are foreshore of Big

Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 187 hectares (462 acres) and offers both historic values associated with the Leaf House and the Ford Family farmstead and together with the Mount Geoffrey Regional Nature Park, covers approximately 25% of the Island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

The Mount Geoffrey Regional Nature Park which is now 333 hectares (826 acres) in area was established by the Comox Valley Regional District on 303 hectares (758 acres) of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated (along the edge of the escarpment) - which have been identified in the "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997". Most of the park's vegetation is second growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

The main attractions of the Park are the spectacular viewing opportunities from the edge of the Mount Geoffrey escarpment, the well-developed trail systems for hiking and mountain-biking and the older (and moister) forest ecosystem below the escarpment. The Comox Valley Regional District has adopted a Management Plan, developed with much community involvement; management is carried out through a contract with the Homby Island Residents' and Ratepayers' Association.

Small Regional Parks exist near Tralee Point, near the top of Mount Road, at the end of Arthurs Road and adjacent to Helliwell Park. There are about 30 water access parcels under the Ministry of Transportation and Infrastructure jurisdiction and six or more other unused road dedications that are or could be utilized as trails or retained as undeveloped green space.

Area

All areas within the Homby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;
- (2) to allow for recreational and educational opportunities, including interpretive signage regarding Indigenous presence, for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;
- (3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the Island; and
- (4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.

3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

- a) land that is shown on Schedule B as park, groundwater or ecological reserve (GWEPA & GW/GP) for existing areas;
- b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;
- c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;
- d) land that provides access to the ocean;
- e) land that provides low impact recreational opportunities for the community and visitors;
- f) areas of undeveloped lands;
- g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;
- h) designated water accesses as parkland; and
- i) land that provides habitat connectivity

3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.

3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.

3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.

3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.

3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.

3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies

3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.10 The Ministry of Environment is requested to:

- a) maintain the natural values and not permit development, other than those required for public health and education in Hellwell and Tribune Bay Provincial Parks;
- b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, Indigenous historical impacts, aesthetics and safety concerns;
- c) involve the community in stewardship programs with respect to the parks;

- d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and
- e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

3.3.11 The Comox Valley Regional District is requested to:

- a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;
- b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby; and
- c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:

- a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;
- b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;
- c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and
- d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.

3.3.14 The Ministry of Environment is requested to work with the federal government and the Canadian Coastguard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.

3.3.15 The Ministry of Environment and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.

3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems, habitats and culturally modified trees.

Deleted: and

3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.

3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.

3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well users(s) for their continued use and maintenance of the well.

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)

Background:

This forested upland area at the centre of the island has been identified by BC Environment as an important natural groundwater storage and catchment area providing groundwater recharge to wells in highly settled lowland areas. "A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island" (1994) carried out by BC Environment recommends that this land should be protected as a community watershed area to ensure preservation of the quantity and quality of groundwater on Hornby Island. In 1994, the Water Management Division established a Notation of Interest over this parcel to record its interest in the area due to its importance for protection of the groundwater resource.

The Final Report of the Hornby Island Groundwater Pilot Project (1994) recorded inter-agency agreement that "the Crown land parcel be considered a watershed reserve" and stated that "once more detail and definition of the groundwater catchment area becomes available, and a suitable legislative vehicle is found which can provide for protection of the land to ensure unchanged water quality and quantity, then another tenure can be considered by the community and agencies involved."

As immediate protection, The Water Management Division established a Notation of Interest (1994) over this parcel. A recommendation of "Water Stewardship and Wastewater Management on Hornby Island (2000)", a report prepared by Royal Roads University, includes the recommendation to "pursue legal protection of the crown lands as a groundwater recharge area".

The forest cover has been subject to severe unnatural disturbance through logging and fire from the latter part of the 19th century until the mid-20th century. The forest (classified as Coastal Douglas-Fir Moist Maritime) is now in various stages of recovery but contains scattered veteran Douglas-Firs and cedars. The "Hornby Island Sensitive Ecosystem Mapping (2010)" records areas of "old forest" - forest ecosystems with an average age of 250 years or greater and "mature forest" -- forest ecosystems with an average age of 80 years or greater within this parcel. (Older Coastal Douglas-fir forests in the region now account for only 4% of the area they occupied 150 years ago).

A report by Triton Environmental Consultants entitled "*Ecological Inventory of Proposed Woodlot #0032*" (1998) commissioned by the Ministry of Environment states that "old growth attributes (stand, structure, species composition, soil characteristics) should be enhanced or maintained as they have the potential to sustain representative features as stands develop". The report contains recommendations to protect or enhance wildlife and bio-diversity and to manage recreational impacts values. This preliminary survey indicates the need for a more thorough ecological inventory. Detailed accurate mapping by the Hornby Island Residents and Ratepayers Association and a preliminary ecological survey by Cascadia Resource Consultants (2000) constitutes a beginning of this work.

In coordination with Comox Valley Regional District and the Ministry of Forests and Range, the local community has instituted forest fighting and prevention programs. The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk.

The island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. At one time, a beaver dam established a large wetland or lake in Strachan Valley; however the dam is now abandoned. The Strachan Valley area contains a number of small wetlands and seasonal and ephemeral streams.

The area has long been valued for its recreational attributes and was previously designated by map reserve for the Use, Recreation and Enjoyment of the Public. Former logging roads have been maintained as trails

by residents and are well used by walkers, cyclists and equestrians - including for cross-island travel and access to the adjacent Mount Geoffrey Regional Nature Park.

A report prepared by an ad-hoc Committee of the Hornby Island Residents and Ratepayers Association *"The Heart of Hornby Island—A Forest, a Watershed (2000)"* reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee *"The Heart of the Island"* submitted in July 2000 outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control. The K'omoks First Nation must be recognized as being the original inhabitants of Hornby Island.

Area

All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to protect and enhance the groundwater recharge function of the area;
- (2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established;
- (3) to protect the forest from major disturbance by fire;
- (4) to maintain the aesthetics/visual qualities of the forest;
- (5) to encourage tenure arrangements that enable community control and stewardship of this area;
- (6) to provide for low-impact recreation activities that are compatible with the first three objectives; and
- (7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

- 3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.
- 3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.
- 3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this sub-section.
- 3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies

- 3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.
- 3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

- 3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.
- 3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.
- 3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.
- 3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.
- 3.4.11 Ministry of Forests, Lands and Natural Resource Operations is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.
- 3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community plan.

3.7 Heritage Features

in 2014, four paragraphs were deleted on “historical perspectives which the K’omoks First Nation had concerns about, with the expectation that the LTC would work with K’omoks to establish revised wording which could subsequently be added to the OCP (Tony Law, First Nations Heritage Site Protection, Hornby Island, 24 March 2021: correspondence to Hornby Island Local Trust Committee

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations’ interests in aquaculture may be affected

Deleted: O

Commented [WB1]: This was the language in the 2014 OCP, which was omitted from the published version of the OCP

3.8 Hazard Areas

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

The first European settlers of Hornby Island included agriculture as a primary occupation, supplying agricultural produce to Vancouver Island (1880-1920). At present, small scale farming operations serve primarily local needs with some speciality production. Seasonal water supply can be a challenge and the need to protect water resources is a concern.

Area

The Hornby Island Trust Area is subject to the following objective and policies.

Objective:

The objective of this subsection is to encourage farming and local food production in ways that are compatible with the Island’s environment.

Policies:

4.1.1 Co-operative farming and community gardens should be encouraged.

Advocacy Policies:

4.1.2 The development and implementation of a Hornby Island food and farm action plan is supported.

4.1.3 Sustainable and organic farming is supported, including efforts to ensure that water supplies used by farmers remain uncontaminated.

4.1.4 The Ministry of Agriculture is encouraged to maintain and promote sustainable agricultural and organic farming techniques and to discourage the use of toxic pesticides or other toxic chemicals and the inappropriate application of fertilizers.

4.1.5 The use of genetically engineered seeds or plants is strongly discouraged in order to protect the genetic integrity of food and crops and other plants growing on the Island.

4.1.6 The use of chemicals or farming methods that can result in the contamination of the soil, other organisms, groundwater or surface water is strongly discouraged.

4.1.7 Agriculture that utilizes rainwater for irrigation, practices water conservation and protects water quality is encouraged.

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the Island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems." In addition, it is important to protect indigenous culturally modified trees.

Area

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objective:

The objective of this subsection is to ensure all forestry is carried out in a way that protects ecological values and sustains the resource.

Policies:

4.2.1 Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the Private Managed Forest Land Act) should be strongly discouraged and regulated by the appropriate authority.

4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.

4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.

4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.

4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Advocacy Policies

4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.

4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and bio-diversity values is supported.

4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.

4.2.9 The Ministry of Forests and Range is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Homby Island's location within the Island Trust Area and should be requested to:

- a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and
- b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

The relatively unpolluted water surrounding Homby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of large-scale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.

Area

All areas below the natural boundary of Homby Island within the Homby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;
- (2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;
- (3) to support low impact mariculture operations; and
- (4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.
- (5) To respect Indigenous mariculture licenses and options for licenses with the DFO, within the context of the first four objectives.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3

4.3.4 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.5 The areas from Collishaw Point Ford Cove has potentially suitable biophysical conditions and proposals for Mariculture use may be considered by the Local Trust Committee upon application for rezoning

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA).

4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies

4.3.7 The Ministry of Forests, Lands and Natural Resource Operations is requested to prohibit:

- a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and
- b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

4.3.8 The Ministry of Forests, Lands and Natural Resource Operations is requested to:

- a) ensure that mariculture operations are restricted to below the 2 metre (7 feet) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;
- b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas, and
- c) monitor the impact of mariculture on other marine resources.

4.3.9 The Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Agriculture and the federal Department of Fisheries and Oceans are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of private or commercial leases.

4.3.10 The Ministry of Forests, Lands and Natural Resource Operations is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.

4.3.11 The Ministry of Agriculture is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

This section reflects the concern that environmental considerations be applied to all settlement activities on the Island. The concept of sustainability is fundamental to decisions on the level and characteristics of services. The responsibility for regulating and monitoring the effect of providing services is commonly shared between government agencies and the Local Trust Committee. Issues addressed include transportation, water supply, waste disposal and energy.

5.2 Water Supply Protection Areas

Background

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Grassy Point, Sollans Road, Anderson Drive (two) and Jerow Road. There is also a public well within Tribune Bay Provincial Park that is now capped. The Sollans Road public well is held and maintained as a crown land lease area by HIRRA. The lease was granted after consultation with K'omoks First Nation.

Area

All areas identified as a Water Supply Protection Area (WSPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Whaling Station Bay water collection system and other existing public wells as present or future sources of community water supply.

Policies:

- 5.2.1 Lot A Plan 19879 Section 9, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.
- 5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.
- 5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.
- 5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.
- 5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policy

- 5.2.6 Public wells are subject to requirements of the *Water Act* and other provincial legislation such as the *BC Drinking Water Protection Act* and regulations. Designated purveyors or other agencies

responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.

5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

6.2 Community Service Use

Background:

An island community isolated by two ferries from any major centre requires a degree of self-sufficiency in the provision of public services.

The community is fortunate to have a large area of Crown land in the central part of the island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located. The Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Union Bay Credit Union-Hornby Branch, Art Centre, the Teen Centre, the "Kitchen", and the RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), The Community Health Care Centre, including the new medical clinic and the Athletic Association facilities are all on leased Crown land.

The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands and Natural Resource Operations to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

A 10 hectare portion of the land zoned 'Community Service Use' fronting on both Central Road and Sollars Road is under discussion as part of the land claims negotiation with the K'omoks First Nation.

Area

The areas identified on Schedule B (Map Designations) as COM (Community Service Use) and other areas where noted in policy are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;
- (2) to protect the groundwater resource from degradation for purpose of water supply;
- (3) to design development to accommodate anticipated traffic and parking needs,
- (4) to encourage the clustering of public buildings in this area ;
- (5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;
- (6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;
- (7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;
- (8) to use community resources efficiently and to allow for development of community facilities as needed;
- (9) to ensure that the existing community use and service areas are maintained;
- (10) to recognize the importance of keeping long-term residents of the island within the community by enabling community housing; and
- (11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

- 6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by development permit and land use bylaw regulations.
- 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.
- 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- 6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.
- 6.2.6 The development of affordable rental housing or special needs housing for island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated community service use and be regulated land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.
- 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 offstreet parking being provided and should be addressed through land use bylaw regulations.
- 6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.
- 6.2.10 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.
- 6.2.11 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.
- 6.2.12 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.
- 6.2.13 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.
- 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies

- 6.2.15 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.
- 6.2.16 Ministry of Forests, Lands and Natural Resource Operations is requested to:
- only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan;
 - consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area;
 - retain this land in public community management; and
 - ensure public access to the Crown land is maintained.
- 6.2.17 The Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).
- 6.2.18 The provision of facilities for junior and senior high school students is supported.
- 6.2.19 School District #71 is encouraged to make all educational facilities available for use by the whole community.
- 6.2.20 Availability of facilities such as the school and hall for a variety of functions is encouraged.
- 6.2.21 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.
- 6.2.22 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3.3 Rural Residential

Background:

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

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply. The K'omoks First Nation has pending ownership of 10.8 hectares of land between Soliane Road and Carmichael Road (excluding the public well leased owned by HIRRA).

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.
- 6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.
- 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.
- 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.
- 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.
- 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.
- 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.
- 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.
- 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are to:

- (1) preserve scenic, aesthetic, ecological values, including evidence of Indigenous occupation, such as culturally modified trees; values;
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;
- (3) preserve traditional public trail access through forested areas especially to escarpment view points;
- (4) promote retention of large parcels of land;
- (5) provide some limited opportunity for land sharing without encouraging subdivision,
- (6) maintain the visual quality of the residential neighbourhoods; and
- (7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Deleted: and
Deleted:

Policies:

Policies in subsections 6.1 and 6.3.1 apply to this subsection.

6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares (40 acres) should be maintained, with a minimum lot size of four hectares (10 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

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

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

6.3.4.6 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.4 Agriculture

6.4.1 Agriculture

Background:

The early European settlers of Hornby Island included agriculture as a primary occupation. Indigenous peoples cultivated camas beds and cleared land to grow food through prescribed burns. However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Deleted: development

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Section 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have a traditionally established a minimum subdivision potential of 18 hectares (39.5 acres) or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to support continuing agricultural use of land and associated activities;
- (2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;
- (3) to encourage retention of large parcels of land for agriculture; and
- (4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in subsection 6.1 apply to this subsection.

6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 18 hectares (39.5 acres) should be.

6.4.1.2 The principal uses in this designation should be agriculture and residential.

6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares (8.6 acres).

6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted:

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

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, *Waste Management Act*, the *Farm Practices Protection (Right to Farm) Act* and the *Health Act* administered by the Vancouver Island Health Authority.

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required. (See Section 7.3)

Advocacy Policy

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the customary Settler land-based economic activity of Hornby Island. There are about 824 hectares (2060 acres), 27% of the land base, in the Agricultural Land Reserve, and subject to the Agricultural Land Commission Act, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Land Reserve. The average area of these parcels is 7.2 hectares (18 acres). This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture, most Agricultural Land Reserve land falls in that category.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain land with potential for agriculture;
- (2) to ensure that agricultural land in the land reserve is not degraded; and
- (3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

- 6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Reserve, the latter being preferred if other land of comparable or better agricultural potential being added to the Reserve.
- 6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares (39.5 acres) but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.
- 6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.
- 6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water, supply and waste disposal.
- 6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.
- 6.4.2.7 Soil removal except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act* should not be permitted.
- 6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.
- 6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.
- 6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m² on any parcel.

Advocacy Policies

- 6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey

water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserved camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A Plan 38493 Section 13, known as "Bradsdadlands", is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having ground water supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

- 6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density respectful of indigenous historical occupation and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.
- 6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.
- 6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in 7.3.1(f), to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.
- 6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.

6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

- a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and
- b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.

6.5.2.8 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.

6.5.2.7 Due to the limited availability of restaurants at certain times of the year Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies

6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.

6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off-season activity rather than upon attracting more visitors during the summer peak season.

6.5.2.10 A position of "welcome with information" to tourism use of the Island is encouraged as a means to inform visiting tourists about best practices when visiting the Island.

6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.

6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.

6.5.2.13 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.

6.5.3 Vacation Home Rental

Background

Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- 1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and
- 2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

- a) provided 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
- b) where the owner or a 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
- c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

6.5.3.2 Vacation home rental use should be subject to regulations which:

- a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;
- b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;
- c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
- d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
- e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
- f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.

6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:

- a) utilizing a rainwater catchment and storage system;
- b) installing water-saving fixtures; and
- c) providing information about water conservation practices to all guests.

6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

6.5.3.5 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist

In resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.

6.5.4 Commercial/Residential General

Background

The Fords Cove area contains three properties that have in recent history been zoned for broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives

The objectives of this subsection are:

- (1) to recognize the historical commercial zoning of this area; and
- (2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunity is provided by the natural features of Homby: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of trails. The island

Deleted: traditional

is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Hellwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents and Ratepayer's Association is under contract with the regional district to manage these beach access parks.

Area

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain the established accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and
- (2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on the Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as part of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

- a) maintain and sign public accesses;
- b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;
- c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;
- d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access);
- e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the island are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.