



Islands Trust

Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: May 24, 2019
Time: 11:30 am
Location: New Horizons
1765 Sollans Road, Hornby Island, BC

		Pages
1.	CALL TO ORDER	11:30 AM - 11:30 AM
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2.	APPROVAL OF AGENDA	
3.	TOWN HALL	11:30 AM - 11:40 AM
4.	MINUTES	11:40 AM - 11:45 AM
4.1	Local Trust Committee Minutes dated April 5, 2019 - for adoption	4 - 12
4.2	Section 26 Resolutions-without-meeting - none	
4.3	Advisory Planning Commission Minutes - none	
5.	BUSINESS ARISING FROM MINUTES	11:45 AM - 12:00 PM
5.1	Follow-up Action List Report dated May 16, 2019	13 - 15
5.2	Bylaw No.158 - for consideration of adoption	16 - 18
	<i>That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be adopted.</i>	
6.	DELEGATIONS	12:00 PM - 12:10 PM
6.1	Sustainability Focus Group - Hornby Island OCP and Bylaws on Vacation Rentals	
7.	APPLICATIONS AND REFERRALS	12:10 PM - 12:40 PM
7.1	HO-DP-2019.1 Hornby Island Fire Rescue (CVRD CL License #114434) - Staff Report - for decision	19 - 34

8.	LOCAL TRUST COMMITTEE PROJECTS	12:40 PM - 1:10 PM
8.1	Land Use Bylaw Amendments Project - verbal update	
8.2	Vacation Home Rentals and Draft Bylaw Enforcement Notification (BEN) Bylaw - Staff Report - for decision	35 - 56
----- BREAK 1:10 PM to 1:30 PM -----		
9.	CORRESPONDENCE	1:10 PM - 1:15 PM
<p><i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i></p>		
9.1	Email dated April 25, 2019 from T. Law regarding Hornby Island Housing	57 - 63
10.	NEW BUSINESS	1:15 PM - 2:15 PM
10.1	Islands Trust - 2018-2019 Annual Report - Memorandum - for decision	64 - 64
10.2	Meeting Procedures Regarding Public Input - Memorandum - for decision	65 - 73
10.3	First Nations Relationship Building - for discussion	
10.4	Trust Council Climate Change Resolution - for information	
10.5	Public Engagement on Hornby Island for Visions 2099 - The Future of the islands in the Salish Sea - Staff Report - for decision	74 - 114
11.	REPORTS	2:15 PM - 2:35 PM
11.1	Trustee Reports	
11.2	Chair's Report	
11.3	Trust Conservancy Report dated March, 2019	115 - 116
11.4	Electoral Area Director's Report	
11.5	Applications Report dated May 16, 2019	117 - 124
11.6	Trustee and Local Expense Report dated March, 2019	125 - 125
11.7	Adopted Policies and Standing Resolutions	126 - 127
11.8	Local Trust Committee Webpage	
12.	WORK PROGRAM	2:35 PM - 2:45 PM
12.1	Top Priorities Report dated May 16, 2019	128 - 128

12.2 Projects List Report dated May 16, 2019

129 - 130

13. UPCOMING MEETINGS 2:45 PM - 2:50 PM

13.1 Next Regular Meeting Scheduled for July 5, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

14. ADJOURNMENT 2:50 PM - 2:50 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: April 5, 2019
Location: New Horizons
 1765 Sollans Road, Hornby Island, BC

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

Staff Present: Ann Kjerulf, Regional Planning Manager
 Jaime Dubyna, Planner 2
 William Shulba, Senior Freshwater Specialist
 Vicky Bockman, Recorder

Others Present: Approximately six (6) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 11:34 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in territory of the Qualicum and K'ómoks First Nations.

1.1 Welcome - Trustee Grant

Trustee Grant was welcomed to the Local Trust Committee (LTC) as a Local Trustee.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 5.3.1 Agricultural Land Commission (ALC) Response to Homesite Severance Application
- 10.1 Trustee Travel
- 10.2 Circulation of Islands Trust Herring Resolution

HO-2019-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the agenda as amended.

CARRIED

3. TOWN HALL

Members of the public commented with the following noted:

- When will the Vacation Home Rental (VHR) inventory be completed?
 - The inventory is in process and may be available for the next LTC meeting.
- VHRs are noted as groundwater users and effluent contributors in the Watershed Protection and Groundwater Preservation project, yet Official Community Plan (OCP) or Land Use Bylaw (LUB) amendments are Out of Scope. When will an OCP review occur regarding VHRs?
 - The Watershed Protection project will be discussed later in the agenda.

- The LTC did not require a survey on HO-DP-2018.3; the actual location of the property line was questioned due to a recent correction of the marking pins.
- Did Trust Council or Executive Committee decide to pursue legislative amendments to allow Development Permit Area (DPA) enforcement via municipal ticketing? Concern was expressed regarding a shift in enforcement policy.
 - This was a Trust Council-directed request for legislative change and a decision from the Ministry has not yet been received.

4. MINUTES

4.1 Local Trust Committee Minutes dated January 25, 2019 - for adoption

HO-2019-016

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the minutes of the January 25, 2019 Local Trust Committee meeting.

CARRIED

4.2 Section 26 Resolutions-without-meeting Report dated March 29, 2019

Received.

4.3 Advisory Planning Commission Minutes - none

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List Report dated March 29, 2019

Trustees discussed approaches to advance relationship building with K'ómoks First Nation.

HO-2019-017

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Chair contact Senior Intergovernmental Policy Advisor Wilcox to request her attendance at the next Hornby Island Local Trust Committee to advise on continuing relationship building with K'ómoks First Nation.

CARRIED

5.2 Advisory Planning Commission Bylaw - Staff Report

Regional Planning Manager Kjerulf presented a Staff Report that asks the LTC to consider giving readings to an updated Advisory Planning Commission (APC) Bylaw.

HO-2019-018

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a first time.

CARRIED

HO-2019-019

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a second time.

CARRIED

HO-2019-020**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a third time.

CARRIED**HO-2019-021****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED**5.3 Homesite Severance in the Agriculture Land Reserve – Memorandum**

Planner Dubyna presented a Memorandum that explains the Homesite Severance policy on Agricultural Land Reserve (ALR) land as it relates to application HO-ALR-2018.1. She reported that an ALC decision has been received subsequent to the Memorandum.

5.3.1 Agricultural Land Commission (ALC) Response to Homesite Severance Application

Trustee Allen advised that the ALC has refused the request to subdivide the 9.8 hectare property into two lots of 2.0 hectares and 7.8 hectares based on the concern that the remainder parcel does not constitute a suitable agricultural parcel based on size; and has approved an alternate proposal for two lots of 0.9 hectare and 8.9 hectares subject to conditions including the removal of one of the dwellings from the homesite parcel.

The applicant was in attendance and spoke regarding the application and the ALC's decision with the following comments:

- She is willing to reduce her farm size, however she needs the sheep field and farmworker residence that have been denied to her;
- She hoped the ALC can be persuaded to realize the benefits of a small family farm on Hornby Island.
 - Staff suggested that the applicant might consult with planning staff to discuss other possible options to pursue.

Trustees recognized that small-scale farms are productive and the norm on Hornby Island and other Gulf Islands and expressed concern with the ALC's requirement for larger lot areas for farms in the ALR on Hornby Island.

HO-2019-022**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request Executive Committee to consider the best approach for supporting small farms and producers as unique amenities of the Islands Trust Area regarding recent Agricultural Land Commission decisions on Hornby Island.

CARRIED**6. DELEGATIONS - none**

7. APPLICATIONS AND REFERRALS

7.1 HO-DVP-2018.1 (Fredbeck - Fords Cove Marina) – Memorandum

Regional Planning Manager Kjerulf presented the Memorandum to update the LTC on the HO-DVP-2018.1 application requirements that remain outstanding.

The applicant was in attendance and noted the following:

- The process is taking longer than expected and there may be changes to the application forthcoming.

7.2 HO-DP-2019.2 (Tuele - 4340 Central Road) - Staff Report

Planner Dubyna presented the Staff Report on behalf of Planner Ian Cox, and reported that this Development Permit application for a single family dwelling within DPA 6 – Riparian Areas meets the DPA guidelines.

The applicant was in attendance and noted the following:

- Conflicting Riparian Area Regulation (RAR) reports completed for this property and rejection by the Ministry of the report that required smaller setbacks have caused larger setbacks to be necessary;
- She requested that the Islands Trust follow the requirements of the original Qualified Environmental Professional (QEP) RAR Assessment report without involving the Ministry for any future developments on this property that might be considered; or alternatively, assume the cost of another QEP report to resolve the differences between the two existing reports if necessary in the future.

Chair Fast noted that the Site Context report indicates a heron rookery on the property. Planner Dubyna noted that heron rookery mapping information comes directly from the Province and offered to forward Provincial Development Guidelines and Best Practices for Properties With or Near Heron Nest Trees to the applicant for information.

HO-2019-023

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.2 (Tuele).

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Freshwater Workshop Update - Staff Report

Senior Freshwater Specialist Shulba presented the Staff Report that summarizes the Freshwater Workshop held on February 2, 2019, requests further consultation in spring 2019, and asks the LTC to endorse a revised Project Charter.

Chair Fast opened the floor for public comment on this topic with the following comments noted:

- The OCP and LUB should be more closely aligned with the objectives of the project; “encouraging” statements are not effective;
- Island Health may not allow for reuse of water through conservation and grey water treatment;
- Support was expressed for the commitment shown to water protection through the hiring of a specialist and work on this project;
- A second community workshop was supported.

HO-2019-024**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the revised Watershed Protection and Groundwater Preservation Project Charter v.2

CARRIED**HO-2019-025****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to coordinate a follow-up Watershed Protection and Groundwater Preservation Project Workshop in spring 2019.

CARRIED**HO-2019-026****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to prepare communications materials in support of the Watershed Protection and Groundwater Preservation Project for dissemination to the Hornby Island Community.

CARRIED

By general consent the meeting was recessed at 1:30 pm and reconvened at 1:56 pm.

8.2 Land Use Bylaw Amendments Project - Staff Report

Planner Dubyna presented the Staff Report that provides a summary of the Land Use Bylaw Amendment Top Priority project and asked the LTC to consider a revised Project Charter that includes additional identified bylaw issues or inconsistencies, recently adopted amendments to provincial legislation and a revised project timeline.

Trustees discussed the project with the following key points noted:

- Process and timeline were considered;
- The LTC requested that the referral to the APC occur prior to community consultation;
- Approaches to encourage public input were suggested; online consultation was not considered to be an effective method for Hornby Island in general.

HO-2019-027**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee:

- Endorse the revised “Official Community Plan and Land Use Bylaw Amendments Project” Project Charter v.2 dated April 5, 2019; and
- Request staff to prepare a work plan and budget for the “Official Community Plan and Land Use Bylaw Amendments Project”, and request funding confirmation for the 2019/2020 fiscal year.

CARRIED

9. CORRESPONDENCE - none

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

10. NEW BUSINESS

10.1 Trustee Travel

Trustee Scott expressed an interest in attending the upcoming Association of Vancouver Island and Coastal Communities convention that will be held in Powell River. He noted there are agenda items of interest and it presents an opportunity to engage with others involved in Salish Sea issues.

HO-2019-028

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve Trustee travel expenses of up to \$550.00 for Trustee Scott to attend the Association of Vancouver Island and Coastal Communities annual convention in Powell River.

CARRIED

Trustee Allen expressed an interest in attending an ALC Regional Seminar in Nanaimo in May, 2019. He noted that this workshop presents an opportunity to learn about changes to the *ALC Act* and ALR regulations, policies and procedures, and region-specific topics.

HO-2019-029

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve Trustee travel expenses for Trustee Allen to attend the Agricultural Land Commission Workshop in Nanaimo in May, 2019 of up to \$100.00.

CARRIED

Trustee Scott expressed an interest in becoming a member of the Trust Programs Committee and solicited input on the possibility of joining this committee.

HO-2019-030

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse Trustee Scott's proposal to join the Trust Programs Committee.

CARRIED

10.2 Circulation of Islands Trust Herring Resolution

Trustee Scott commended Trust Council's decision to write to the Minister of Fisheries & Oceans and the Canadian Coast Guard asking for a moratorium on the herring fishery in the Salish Sea until an ecosystem-based management plan is in place. He suggested it would be useful to circulate this resolution to other government bodies in the area to engage their support for a similar action in their locations.

HO-2019-031

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee encourage Executive Committee to circulate the Trust Council's herring resolution of March 2019 to municipalities and regional districts around the Salish Sea encouraging them to pass a similar resolution.

CARRIED

11. REPORTS

11.1 Trustee Reports

Trustee Scott reported on the following:

- Attended Trust Council;
- Met with staff at the Islands Trust Northern and Victoria Offices;
- Attended the Baynes Sound/Lambert Channel Marine Ecosystem Forum;
- The Minister's Office is expressing interest in the herring fishery issue.

Trustee Allen reported on the following:

- Highlights from the recent Trust Council meeting included a discussion of public engagement, Bylaw Enforcement name change, First Nations Reconciliation Declaration, climate change action and herring fishery advocacy.

11.2 Chair's Report

Chair Fast reported on the meetings and events she has attended including the following:

- Islands Trust Conservancy
- Executive Committee
- Denman Island LTC meeting
- A First Nations workshop led by Senior Intergovernmental Policy Advisor Wilcox
- A Squamish Nation-led event
- Bowen Island Council meetings
- A workshop on sea level rise

She announced that nominations are open for the 2019 Community Stewardship Awards and encouraged nominations.

11.3 Trust Conservancy Report

Chair Fast reported that at the recent Islands Trust Conservancy meeting a sub-committee was created to focus on addressing fundraising needs.

11.4 Electoral Area Director's Report - none**11.5 Applications Report dated March 29, 2019**

Trustees received updates on applications as requested.

11.6 Trustee and Local Expense Report dated February 2019

Received.

11.7 Adopted Policies and Standing Resolutions

Received.

11.8 Local Trust Committee Webpage

No changes or additions were requested at this time.

12. WORK PROGRAM**12.1 Top Priorities Report dated March 29, 2019**

Trustees discussed process and status of the existing three Top Priorities and considered an alternative relating to the marine environment. No changes were requested.

12.2 Projects List Report dated March 29, 2019

LTC members requested that the Trust Council's recent declaration regarding climate change be added to the next LTC meeting agenda.

Trustees reviewed the Projects List for items that may no longer be applicable or where action may no longer be necessary.

HO-2019-032

It was MOVED and SECONDED,

that "Identification of gravel resources in the OCP" be removed from the Hornby Island Projects list.

CARRIED

HO-2019-033

It was MOVED and SECONDED,

that "Review RAR with respect to roadside ditches" be removed from the Hornby Island Projects list.

CARRIED

13. CLOSED MEETING

13.1 Motion to Close the Meeting

HO-2019-034

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (a) and (m) for the purpose of considering appointment of Advisory Planning Commission members and adoption of *In-Camera* meeting minutes dated September 28, 2018 and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 3:14 pm.

13.2 Recall to Order

By general consent the LTC reconvened in open meeting at 3:31 pm to rise and report.

13.3 Rise and Report

Chair Fast reported that in the Closed Meeting, minutes of the *In-Camera* meeting of September 28, 2018 were adopted and Cassandra Bassett was appointed to the APC.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 24, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

Trustees confirmed the next regular LTC meeting date, time and location.

15. ADJOURNMENT

By general consent the meeting was adjourned at 3:31 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

DRAFT



Follow Up Action Report

Hornby Island

02-Dec-2016

Activity	Responsibility	Dates	Status
<p>1 Komoks Relationship Building: Staff requested to develop an Event Plan with Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event; Staff to discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building.</p>			In Progress

01-Dec-2017

Activity	Responsibility	Dates	Status
<p>2 Staff to organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate</p>			In Progress

25-Jan-2019

Activity	Responsibility	Dates	Status
<p>3 Revised Project Charter for Vacation Home Rental Community Education and Bylaw Enforcement Campaign was endorsed. Bylaw enforcement staff to commence inventory of non-compliant VHRs.</p>	Ann Kjerulf Miles Drew		Completed



Follow Up Action Report

Hornby Island

05-Apr-2019

Activity	Responsibility	Dates	Status
4 Request the Senior Intergovernmental Policy Adviser attend the upcoming meeting to advise on the continuing relationship with K'omoks First Nation. Chair Fast to contact Lisa Wilcox.	Ann Kjerulf		Completed
5 Bylaw No. 158 (APC) given three readings; forward to the Secretary of the Islands Trust for approval of the Executive Committee.	Ann Kjerulf Becky McErlean		Completed
6 Request the Executive Committee to consider the best approach for supporting small farms and producers as unique amenities of the Islands Trust Area regarding (ALC) recent decisions on Hornby Island.	Ann Kjerulf Jaime Dubyna		In Progress
7 LTC endorsed the revised Watershed Protection and Groundwater Preservation Project Charter; staff to coordinate a follow-up workshop in spring 2019 and prepare communications materials for dissemination to the Hornby Island community.	Ann Kjerulf William Shulba		In Progress
8 Encourage the Executive Committee to circulate the Trust Council herring resolution of March 2019 to municipalities and regional districts around the Salish Sea encouraging them to pass a similar resolution.	Ann Kjerulf		Completed
9 Approved issuance of Development Permit HO-DP-2019.2 (Tuele).	Becky McErlean Ian Cox		Completed
10 Remove "Identification of gravel resources in the OCP" and "Review RAR with respect to roadside ditches" from the LTC Projects list.	Ann Kjerulf		Completed
11 LTC appointed Cassandra Bassett to the Advisory Planning Committee.	Ann Kjerulf Penny Hawley		Completed



Follow Up Action Report

Hornby Island

05-Apr-2019

Activity	Responsibility	Dates	Status
12 LTC endorsed the revised Land Use Bylaw Amendments Project Charter.	Jaime Dubyna		Completed

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 158

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE HORNBY ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Hornby Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Hornby Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

PROPOSED

- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lesser of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a

PROPOSED

permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
 - f) The APC must not receive development proposals or other applications directly from applicants.
 - g) The APC must not consult directly with other government agencies or organizations.
 - h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
 - b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
 - c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
 - d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Hornby Island Local Trust Committee Bylaw No. 89 cited as "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS **5TH** DAY OF **APRIL**, **2019**.

READ A SECOND TIME THIS 5TH DAY OF APRIL . 2019

READ A THIRD TIME THIS 5TH DAY OF . 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

17TH DAY OF APRIL 2019

ADOPTED THIS DAY OF , 201x

SECRETARY

CHAIRPERSON



STAFF REPORT

File No.: HO-DP-2019.1 and HO-SUP-
2018.12
(Hornby Island Fire Rescue)

DATE OF MEETING: May 24, 2019

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: **Development Permit Application**

Applicant: Comox Valley Regional District (c/o Hornby Island Fire Rescue)

Location: 3715 Central Road; Block L, Section 11, Hornby Island, Nanaimo District,
Plan EPC888

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of development permit HO-DP-2019.1.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit application for the construction of two structures – a fire department training facility and an equipment storage building on the subject property located within Development Permit Area 2 (DPA 2) – Community Service Use. Pursuant to Section 9.3 of the Hornby Island Land Use Bylaw (LUB) No. 150, 2014, a Development Permit is required to be issued by the LTC prior to any development, subdivision or land alteration occurring within DPA 2.

Staff are recommending issuance of the Development Permit.

BACKGROUND

The fire department training facility and equipment storage building are proposed to be built upon a Crown Land tenure held by the Comox Valley Regional District under License No. 114434, which has been issued by the Province for fire hall purposes. The Crown Land tenure is approx. 1 hectare (2.47 acres) in area and is located on Central Road, as shown in Figure 1.

A Siting and Use Permit application (HO-SUP-2018.12) has been submitted to allow for the construction of the proposed training facility and storage building, pending the outcome of HO-DP-2019.1. The training facility will be composed of five shipping containers – three 40-foot containers and two 20-foot containers – for a total floor area of approx. 119 m² (1280 square feet). The proposed equipment storage building will be approx. 18.6 m² (200 square feet) in area.

The applicant proposes to construct the training facility to the rear of the subject property, at the site of the former Ministry of Transportation and Infrastructure (MOTI) gravel pit, as shown in Figure 2. The structures are screened from the road by an existing tree line. The MOTI has retained the remainder of the neighbouring property to the northwest, north and northeast.

The training facility will be used to train new fire fighters in search and rescue techniques, advancing hoselines and gaining entry to buildings. One shipping container will be used for live-fire training exercises. A significant portion of the water used during live-fire training exercises is proposed to make use of water collected by the existing rainwater catchment and storage system, installed during the construction of the existing Fire Hall. The capacity of the existing rainwater catchment and storage system is approximately 38,000 litres (10,000 imperial gallons).

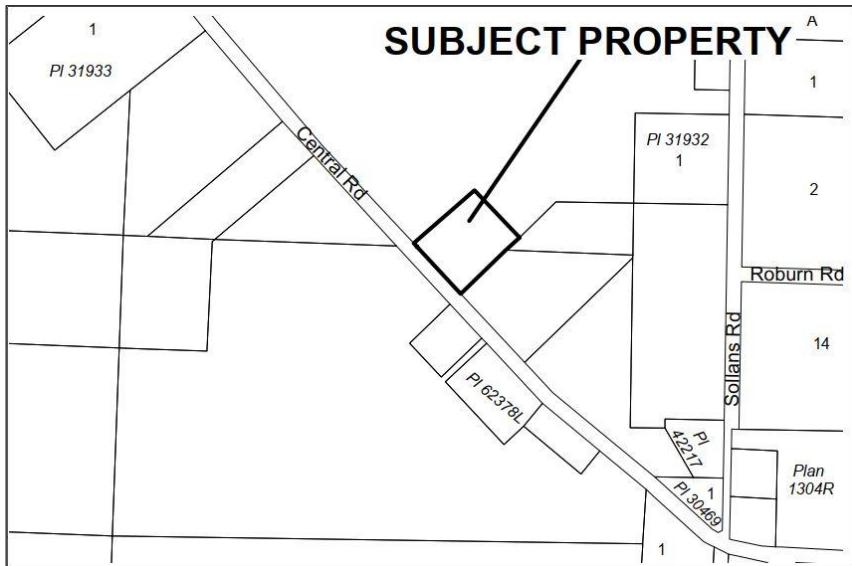


Figure 1. Subject property map.



Figure 2. Orthophoto (2014).

The proposed development is shown on Schedule “A” – Site Plan and Schedule “B” – Training Facility Drawing, attached to and forming part of the draft Development Permit in Attachment 3.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Policies relevant to the consideration of this application include:

- **3.1.1 Trust Council holds that:**
 - *Planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.*
- **5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community’s current and projected housing requirements and the long-term needs for educational, institutional, community and health related facilities and services, as well as the cultural and recreational facilities and services.**

Official Community Plan:

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

Relevant OCP policies include:

- **Policy 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.
- **Policy 6.2.4** Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- **Policy 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.

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

Land Use Bylaw:

The subject property is currently zoned **PU – Public Use** under the LUB. Permitted uses in the PU zone include a fire hall, and accessory buildings and structures. Other relevant regulations of the LUB relate to density (lot coverage), setbacks and screening. The proposed development appears to meet all other LUB requirements, including Section 3.2 (1) (t), which requires that any use of a shipping container be prohibited unless screened.

The guidelines for DPA 2 are contained within Section 9.3 of the LUB. The proposed development complies with applicable DPA 2 guidelines (see Attachment 2).

Issues and Opportunities

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

Staff have not requested a hydrology study from the applicant as it is anticipated that no significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater will be undertaken.

The siting of the proposed fire department training facility will make use of a former MOTI gravel pit, at the rear of the property. By siting the training facility in the former gravel pit area, no removal of vegetation is required, and minimal ground disturbance or alteration of surface drainage is anticipated as the proposed structure will be erected at grade on a generally level area.

For new development in DPA 2, Guideline 9.3 (2) of the LUB requires that a significant portion of the water be provided by a rainwater catchment and storage system. Staff have noted that there is a 38,000 litre (10,000 imperial gallon) rainwater catchment and storage system that was installed during the construction of the existing Fire Hall. It is proposed that a significant portion of the water used during live-fire training exercises will make use of water stored in the existing rainwater catchment and storage system. The applicant anticipates live-fire training

exercises will take place nine months of the year. During drier months (generally, three months of the year), a fire ban would halt live-fire training.

National Fire Protection Association (NFPA) Section 1403 provides minimum standards for live-fire training. Under NFPA 1403, a fire department may conduct live-fire training within certain parameters, including:

- Use of wood, paper or straw products for igniting fires,
- No petroleum or other accelerants may be used for igniting fires,
- Combustible materials and chemicals must be removed from the structure, and
- Water or fire fighting foam may be used.

The applicant has confirmed that wood pallets will be the most commonly used product for igniting fires during live-fire training exercises. It is anticipated that minimal drainage will be required during live-fire training exercises.

DPA 2 and DPA 3

Staff note that there appears to be an inconsistency between Schedule E and Policy 6.2.2 of the OCP regarding DPA 2 and Development Permit Area 3 (DPA 3) – Water Resource Protection.

Schedule E of the OCP identifies the subject property as being within DPA 2. However, OCP Policy 6.2.2 provides,

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.

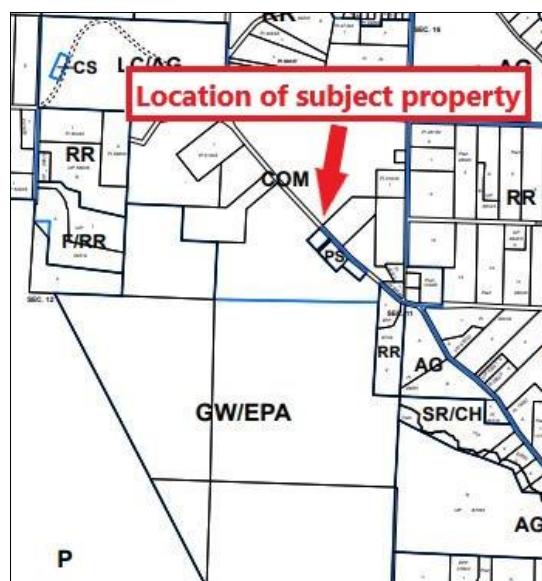


Figure 3. Excerpt from Schedule B of the OCP.

According to sections 6.9.2.2 and 6.9.2.3 of the OCP, DPA 2 and DPA 3 are designated for the purpose of protecting the natural environment, its ecosystems and biological diversity, and to establish objectives to promote water conservation. Sections 6.9.2.2 and 6.9.2.3 also provide the objectives of DPA 2 and DPA 3, which are similar:

- Objective of DPA 2: The community service use development permit area lies within a groundwater recharge area (identified in the *Groundwater Geochemistry Study on Hornby Island, B.C.* – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the community service use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.
- Objective of DPA 3: This area has been identified as being within an IIA Aquifer (moderately developed – high vulnerability) and within a potential groundwater recharge zone. The objective of this development permit area is to protect groundwater resources, by maintaining the quantity and quality of ground water in this area.

Policy 6.2.2 of the OCP appears to reference only DPA 3 rather than DPA 2. Staff note that a review of this discrepancy could be included as part of the ongoing LTC-top priority project, “OCP and LUB Amendments Project”.

Consultation

A community information meeting and/or public consultation and notification are not required for Development Permit Area applications.

Rationale for Recommendation

Based on the analysis, staff have determined that the development is consistent with the DPA guidelines and that the Development Permit should be issued. The staff recommendation is found on Page 1 of this report.

ALTERNATIVES

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

1. Request further information

Pursuant to Guideline 9.3 (4) of the LUB, the LTC may require the applicant submit a hydrology study to identify any adverse impacts of the proposed development upon the groundwater recharge function or upon the quantity or quality of the water resource of existing users. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust a hydrology study to identify any adverse impacts of the proposed development upon the groundwater recharge function of the land, or upon the quantity or quality of the water resource of existing users.

2. Deny the application

A Development Permit may be denied only if the LTC determines that the development is inconsistent with one or more of the DPA guidelines. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-DP-2019.1 for the following reasons [insert reasons].

NEXT STEPS

Should the LTC proceed with staff's recommendation on Page 1 of this report, staff will issue the Development Permit as well as the Siting and Use Permit HO-SUP-2018.12 for the proposed development.

Submitted By:	Jaime Dubyna, MSc.PI. Planner 2	May 8, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 13, 2019

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Development Permit Area Guidelines
3. Attachment 3 – Draft Development Permit HO-DP-2019.1 (including Schedule “A” and Schedule “B”)
4. Attachment 4 – Map, Plans

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Block L, Section 11, Hornby Island, Nanaimo District, Plan EPC888
PID	n/a
Civic Address	3715 Central Road
Lot Size	~1 ha (2.47 acres)

LAND USE

Current Land Use	Fire Hall
Surrounding Land Use	Crown Land – uses include park, recreation facilities, MOTI, community hall, recycling depot

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUP-2018.12 (open)	To construct a fire department training facility which includes the placement of 5 shipping containers, and placement of one shipping container for storage of emergency materials.

POLICY/REGULATORY

Official Community Plan Designations	<p>Land Use Designation: COM – Community Service Use</p> <p>Relevant OCP Policies:</p> <p>Policy 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.</p> <p>Policy 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.</p> <p>Policy 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.</p>
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	<p>Policy 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area.</p> <p>Development Permit Area: DPA 2 – Community Service Use Development Permit Area</p>
Land Use Bylaw	<p>Zone: PU – Public Use</p> <p>8.21 (1) Permitted Uses: (a) fire hall</p> <p>8.21 (2) Permitted Buildings, Structures and Density: (b) buildings and structures for the principal permitted uses; (c) accessory buildings and structures.</p> <p>8.21 (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.</p> <p>8.21 (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from an interior side lot line; and (d) 8.0 metres from an exterior side lot line.</p> <p>8.21 (6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m².</p> <p>3.2 Uses Prohibited in All Zones (1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8: (t) Any use of a shipping container unless screened;</p> <p>The LUB provides the following definitions:</p> <p>“building” means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and pit toilets.</p> <p>“lot coverage” means the proportion of the lot area that is covered by buildings and structures including, where such use is permitted, a recreational vehicle used for a residential use, expressed as a percentage of the lot area;</p> <p>“structure” means any object or construction fixed to, supported by or embedded in land including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.</p>

	See Attachment 2 of this report for DPA Guidelines.
Other Regulations	n/a
Covenants	n/a
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Strategy	Conservation priority for Hornby Island as a whole is LOW according to Table 9 of the Regional Conservation Plan 2018-2027 ; however, Map 6 indicates the subject property is within a MEDIUM priority area.
Species at Risk	Islands Trust mapping indicates the subject property is within a red-listed Douglas-fir / dull Oregon-grape (<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>) ecological community.
Sensitive Ecosystems	Schedule D2 of the OCP indicates the subject property is within a high vulnerability aquifer, and Provincial mapping (iMapBC) identifies Aquifer 0438 as high vulnerability.
Hazard Areas	None mapped.
Archaeological Sites	An archaeological overview assessment (AOA) was submitted with the application HO-SUP-2018.12 identifying no known archaeological sites within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Little to no vegetation and tree removal is anticipated, as the proposed structures are to be located in a cleared area. Placement of shipping containers may result in associated greenhouse gas emissions.
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a
Groundwater Vulnerability	Aquifer Intrinsic Vulnerability estimated to be moderate to moderately-high.

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

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

	Guideline	Guideline met?	Planner Comments
1	Before any new development is permitted, there should be approval of a permitted sewage and used water system.	n/a	The existing Fire Hall is connected to an onsite sewage disposal system. Staff have confirmed with Island Health that a letter of confirmation is on file for the existing sewage system. No additional sewage or water connections are proposed.
2	A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The existing Fire Hall is connected to an approx. 10,000 imperial gallons (approx. 38,000 L) rainwater catchment and storage system that is used for non-potable fire department operations. Live-fire training activities propose to use water collected from the existing rainwater catchment and storage system approx. 9 months of the year. It is anticipated that live-fire training will not be conducted during drier months.
3	Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Live-fire training is regulated under the National Fire Protection Association (NFPA) Section 1403, which requires the following: <ul style="list-style-type: none"> • Only wood (i.e. pallets) and paper may be used for igniting fires. • No petroleum or other accelerant may be used. • Water or Class 'A' fire fighting foam may be used.
4	A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed site of the structure will make use of a previously cleared area used as a gravel pit, therefore: <ul style="list-style-type: none"> • No removal of vegetation is proposed, • No significant alteration of land is proposed, and • Surface drainage is not expected to be altered. Live-fire training activities propose to use water collected from the existing rainwater catchment and storage system.

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Islands Trust

HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT - HO-DP-2019.1

TO: Comox Valley Regional District (c/o Hornby Island Fire Rescue)

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

Crown Lands held under tenure by the Comox Valley Regional District under License No. 114434, described as Block L, Section 11, Hornby Island, Nanaimo District, Plan EPC888, containing 1.0 hectares, more or less.

2. Whereas the subject property lies within an area designated as Community Service Use Development Permit Area (DPA 2); the purpose of which is to protect groundwater recharge areas; on Schedule E of the Hornby Island Official Community Plan No. 149, 2014; this Development Permit authorizes the construction of one fire department training facility and one equipment storage building with the following conditions:

2.1 Construction of the buildings and structures are to be substantially in accordance with Schedule "A" – Site Plan and Schedule "B" – Training Facility Drawing, attached to and forming part of this Permit.

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

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2019.

Deputy Secretary, Islands Trust

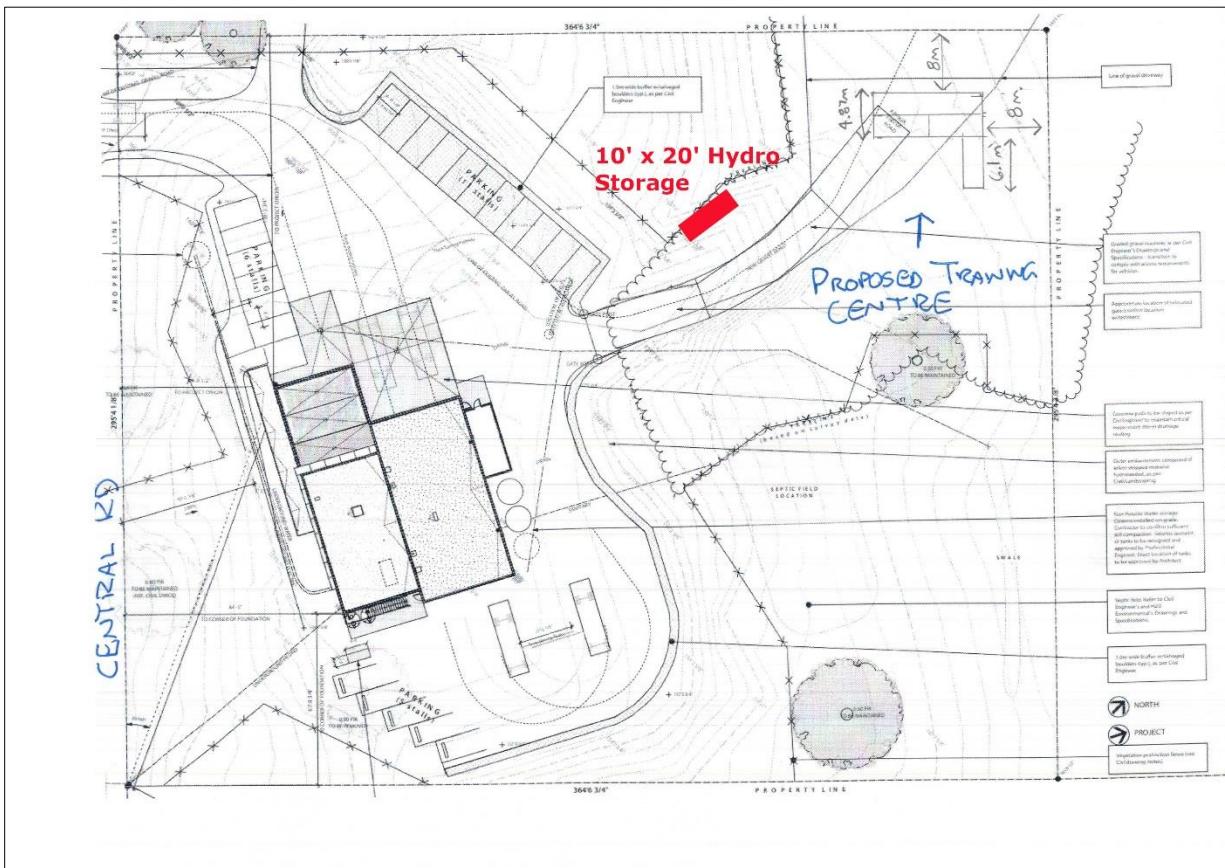
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2021, THIS PERMIT AUTOMATICALLY LAPSES.

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HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2019.1 (Comox Valley Regional District)

Schedule "A" Site Plan



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HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.1 (Comox Valley Regional District)

Schedule "B" Training Facility Drawing

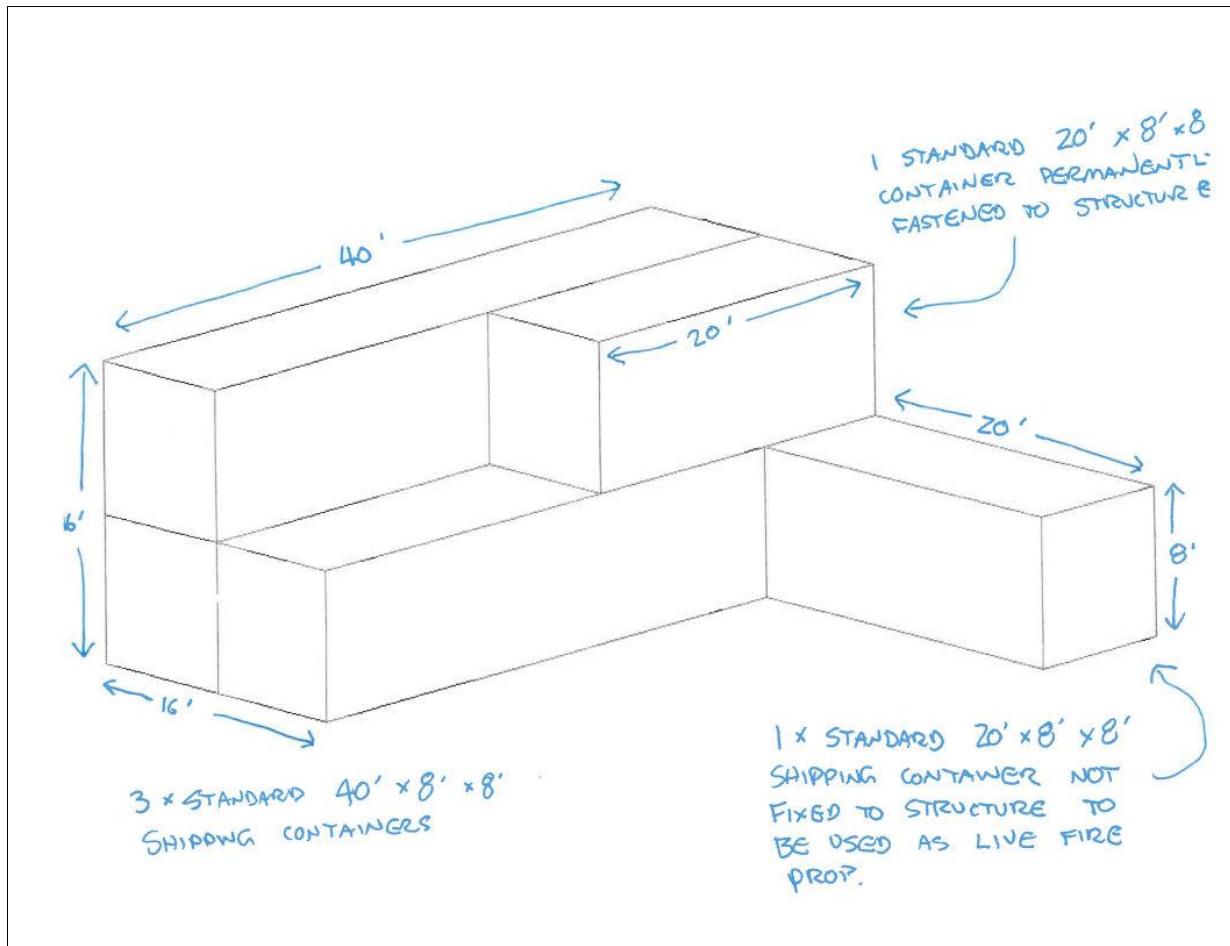


Figure 1. Site Location

Attachment 4



Figure 2. Survey Plan

**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR BLOCK L, SECTION 11, HORNBY ISLAND,
NANAIMO DISTRICT, PLAN EPC888.**

**3715 CENTRAL ROAD, HORNBY ISLAND
SCALE 1 : 1000 (METRIC)**

NOTES:
OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
THIS CERTIFICATE OF SITE SURVEY IS FOR CURRENT
BUILDING ACCEPTANCE PURPOSES ONLY.

**APPROVED MANAGEMENT PLAN
FILE : 1413862**

DATE: 2018-06-25
[Signature]
(Authorized signatory of Ministry of Forests Lands
and Natural Resource Operations)

**DATE: _____
NAME _____
DATE: _____
NAME _____**

N

**REMAINDER
NW 1/4 SECTION 11**

**BLOCK L
PLAN EPC888**

CENTRAL ROAD

**SLAB ELEVATION = 48.00 BASED ON PROJECT
BENCHMARK SHOWN ON CIVIL DRAWINGS.**

**2 STOREY
BUILDING**

COVERED AREA

**BLOCK H
PLAN 40T1363**

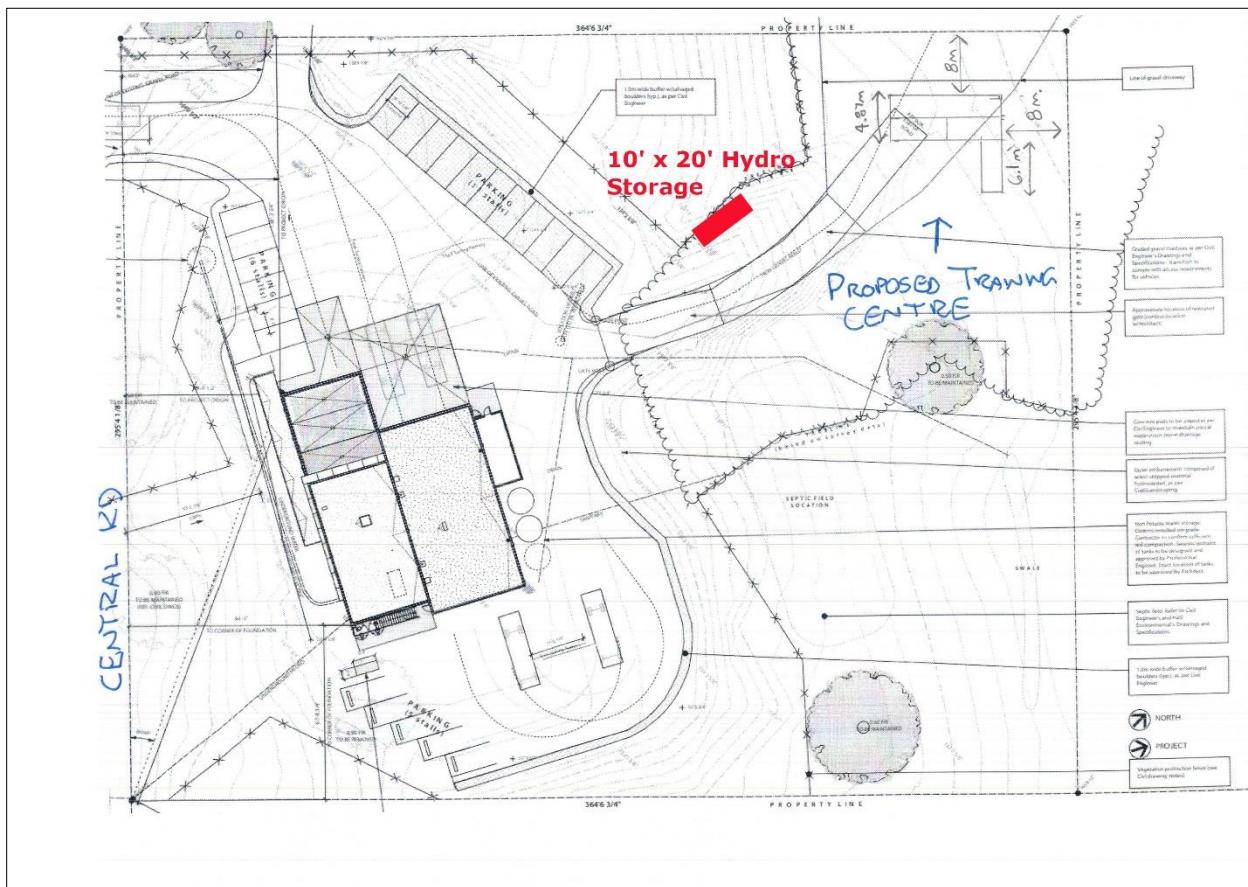
**HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 1437CRT1**

FEBRUARY 28, 2017

B.C.L.S.

**THIS DOCUMENT IS NOT VALID UNLESS
ORIGINAL SIGNATURE AND SEALED**

Figure 3. Site Plan





File No.: 4050-03

DATE OF MEETING: May 24, 2019

TO: Hornby Island Local Trust Committee
FROM: Miles Drew, Bylaw Compliance and Enforcement Manager
Local Planning Services
SUBJECT: Inventory Of Non Compliant Vacation Home Rentals and Draft Bylaw Enforcement
Notification (BEN) Bylaw

RECOMMENDATIONS

1. That Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a first time.
2. That Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a second time.
3. That Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a third time.
4. That Hornby Island local Trust Committee Bylaw No. 159 cited as "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
5. That the Hornby Island Local Trust Committee adopt the following standing resolution:

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

REPORT SUMMARY

This report describes the current extent of non-compliance with the Hornby Island Land Use Bylaw (LUB) Vacation Home Rental (VHR) regulations and proposes a proactive enforcement program to motivate compliance. The Hornby Island Local Trust Committee (LTC) is asked to consider adopting a Bylaw Enforcement Notification (BEN) Bylaw in order to facilitate compliance of unlawful VHRs and other non-compliant land use activities with the LUB.

BACKGROUND

Vacation Home Rentals

In January of 2019 the LTC requested that the Compliance and Enforcement Team peruse available advertising information on VHRs on Hornby Island and ascertain the extent to which they are complying with the LUB's VHR regulations. On Hornby Island, VHRs are permitted in the R1, R2, R4 and A1 zones. The specific VHR regulations are as follows:

3.1 Vacation Home Rental Uses

(1) Vacation home rental uses must be in accordance with the following limitations:

- a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.
- b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.
- c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.
- d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more.
- e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.
- f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.
- g) A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises.

In 2018, an internet search generated a list of approximately 162 VHRs advertised on Hornby Island. While this list could be comprehensively reviewed and updated, a cursory screening indicates that it is generally accurate. Preliminary research indicates that almost none of the identified VHRs are fully compliant with LUB regulations. Thirty-four (34) may be operating in unlawful secondary dwellings. All appear to be violating all or at least one of the regulations limiting the number of beds or bedrooms, time of year, or numbers of rentals in a seven-day period. Additionally, none of the VHRs operating in the (high vulnerability) Aquifer 1A Area has filed a certificate establishing sewage system adequacy. Notwithstanding, the LTC has not defined what such a certificate is or how it should be filed with the Islands Trust administration.

The VHR regulations were designed to ameliorate negative impacts on the Hornby community. Among these are overuse of water, overcrowding of neighbourhoods, over commercialization of residential neighbourhoods and unfair competition with commercially zoned properties. However, these regulations do not appear to have had the desired effect given the lack of compliance.

The lack of compliance may be due to a lack of enforcement or a perceived lack of consequences for non-compliance. In other Trust Areas such as North Pender, Galiano and Salt Spring Island, enforcement efforts have generally been effective at reducing and limiting the number of unlawful short term vacation rentals. In those Trust Areas, effective compliance and enforcement efforts involved the following elements:

1. Proactive - compliance and enforcement staff enforced without complaint;
2. Ongoing - compliance and enforcement efforts continued from year to year;
3. Graduated - initial compliance and enforcement efforts began with several warning letters to operators, then proceeded to ticketing and then proceeded to legal action, in certain cases, seeking court orders;
4. Public Information - letters to editors and press releases were used when appropriate;
5. All Violators Held Accountable - fines were eventually issued to property owners, managers and renters of unlawful Short Term Vacation Rentals.

Unless an ongoing proactive compliance and enforcement program is authorized by the LTC, staff do not believe that VHR bylaw compliance will improve. However, if proactive compliance and enforcement is pursued by the LTC, staff note that implementation may need to be delayed due to the present lack of staff resources (which may not be fully resolved until the 2020/21 fiscal year). However, the LTC could take the following interim steps:

1. Adopt a proactive compliance and enforcement policy for VHRs. This will enable planning for mustering sufficient resources;
2. Send information letters about VHRs to Hornby VHR property owners and managers requesting compliance with LUB regulations;
3. Adopt a BEN bylaw so that bylaw violators can be moved toward compliance (see information below).

BYLAW NOTIFICATION BYLAW

BEN bylaws have been in use in the Islands Trust Area since 2011. Currently, eight local trust committees have adopted BEN bylaws.

In 2011, Hornby Island Local Trust Committee considered adopting a BEN Bylaw but eventually decided against adoption due to public concerns about the impact a ticketing bylaw might have on the community. Since the adoption of the first BEN bylaw in the Islands Trust Area, no serious concerns have emerged.

As noted in the linked document "[Local Government Toolkit: Bylaw Dispute Adjudication System](#)", the local government bylaw dispute adjudication system's goal is to create a simple, fair, and cost-effective process for dealing with uncomplicated bylaw contraventions.

The model:

- promotes the timely resolution of bylaw enforcement disputes;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- permits negotiation of compliance agreements resulting in reduction of fine amounts to zero;
- eliminates the requirement for tickets to be handed directly to the accused (personal service);
- avoids the unnecessary attendance of witnesses; and
- avoids the need to hire legal counsel.

The bylaw dispute adjudication system (explained in detail in the Toolkit) is a very effective and low cost way of helping to ensure respect for LTC bylaws and the community goals they represent. Gaining compliance with

bylaws can be very difficult and expensive in the absence of a ticketing enforcement bylaw as enforcement may need to occur through costly Court processes.

The very high cost to taxpayers and individuals of Court action sometimes means that bylaws are not enforced and therefore do not meet the goals they were designed to achieve. Non-enforcement can be frustrating for community members who expect bylaw compliance. It also contributes to a lowering of the legitimacy of bylaws and general non-compliance.

Rationale for Recommendation

Staff recommends that the Hornby Island LTC authorize proactive enforcement for unlawful VHRs in order to improve compliance with VHR regulations, and uphold the legitimacy of LTC bylaws in general. Staff recommends that Hornby Island LTC give the first three readings to the attached BEN bylaw because of its inherent advantages in supporting the goals expressed in LTC bylaws.

Alternatives

1. Not authorize proactive enforcement of VHR regulations.

The LTC may decide not to authorize proactive VHR enforcement.

2. Not adopt a Bylaw Enforcement Notification (BEN) Bylaw

The LTC may decide not to adopt a BEN bylaw.

Submitted By:	Miles Drew, Bylaw Compliance & Enforcement Manager	March 26, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 13, 2019

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 159

A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE HORNBY ISLAND LOCAL TRUST AREA

WHEREAS the Hornby Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Hornby Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Hornby Island Local Trust Area;

NOW THEREFORE the Hornby Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019".

1.0 INTERPRETATION

In this Bylaw:

- 1.1 "Act" means the Local *Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 "Registry" means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 "LTC" means the Hornby Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules "A" and "B" attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules "A" and "B" as attached to this bylaw;
- (2) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedules "A" and "B" as attached to this bylaw;

- (3) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedules "A" and "B" as attached to this bylaw;
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules "A" and "B" as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the Act.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Compliance and Enforcement Manager;
- (3) Bylaw Compliance and Enforcement Officer;
- (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*".

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Hornby Island Land Use Bylaw No. 150, 2014 Contraventions and Penalties
- (b) Schedule B – Hornby Island Sitting and Use Bylaw No. 90, 1990 Contraventions and Penalties

READ A FIRST TIME THIS DAY OF ,2019

READ A SECOND TIME THIS DAY OF ,2019
READ A THIRD TIME THIS DAY OF ,2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF ,201X

ADOPTED THIS DAY OF ,201X

SECRETARY

CHAIR

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(a)	Over Time Use of Boat/Vessel/Structure as a Residence	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(b)	Non Permitted Float Camp	\$500.00	\$375.00	\$750.00	Yes	100%
3.2 (c)	Non Permitted Use of Accessory Building/Structure as Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(d)	Overnight Accommodation in tents/RVs with Vacation Home Rental	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(e)	Non Permitted Amusement Park/Shooting Ranges/Water Slides/ Go Cart Tracks/Commercial Golf Course	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(f)	Non Permitted Fin Fish Aquaculture	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(g)	Non Permitted Commercial Kennels	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(h)	Non Permitted Airport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(i)	Non Permitted Heliport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(j)	Non Permitted Wharves/Breakwaters	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(k)	Pumping Sewerage on to Land	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(l)	Disposing Sewage by Marine Outfall	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(m)	Disposal/Storage of Toxic/Hazardous Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(n)	Storage of Waste/ Sale of Salvage Material	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(o)	Wrecking/Storage or Derelict Automobiles/Vessels/mechanical Equipment	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(p)	Rental of Personal Watercraft/All-Terrain Vehicles/Gas Powered Scooters/ Off Road Motorcycles	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(q)	Non Permitted Inter Island/ Island to Mainland Water Lines	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(r)	Non Permitted Wind Generator	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(s)	Non Permitted Casino	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(u)	Non Permitted Use of Well for Off Lot Use	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(v)	Commercial Raising of Animals/Poultry on Lot Less than 1.0 Hectare	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(w)	Encroachment Of Building Into Setback From Lot Line That Abuts A Highway	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Building/Structure Located Too Close/ Less Than 1.5 Metres Above the Natural Boundary of Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(3)	Building/Structure Within 30 Metres of Ford Creek/Beulah Creek/ Wetlands Shown on Schedule D	\$500.00	\$350.00	\$750.00	Yes	100%
3.3(4)	Improperly Placed Fill	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(5)	Building/Structure Too Close to Cliff Edge	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(6)	Pit Toilet Within 15 Metres of Lot Lines	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(7)	Feed Trough/ Manure Piles/ Buildings/ Structures For Animals/Sewage Disposal Fields Within 30.0 Metres From Well/ Natural Boundary Of Lake, Watercourse Or The Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Keeping Livestock/ Birds Within 15.0 Metres of the Natural Boundary of a Lake/ Watercourse/ Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Siting Buildings/Structures Used For Livestock/Poultry Within 15.0 Metres of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3.(9)	Siting Buildings/Structures For Livestock/Poultry Within 15.0 Meters of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(10)	Buildings/ Structures Used for Commercial Growing of Mushrooms/ Commercial Raising of Livestock/ More Than 100 Birds Within 30.0 Metres of Highway/ Lot Line/ Natural Boundary of Lake/ Watercourse/Sea.	\$500.00	\$375.00	\$750.00	Yes	100%
3.4.(1)	Buildings/Structure Over 8.0 Metres High	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.4(2)	Building/Structure within 100 Metres of Natural Boundary of the Sea Over 7.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(3)	Accessory Buildings/Structure Over 6.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(4)	Agricultural Buildings/Structures Over 10 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Prohibited Home Occupation Use	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(3)	Unpermitted Home Occupation Use on Lot Less Than 0.1 Hectare.	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(4)	Home Occupation Exceeds Maximum Floor Area on Lot Less than 0.1 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation Not Wholly Within Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Not Operated Solely by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Noise Heard Beyond Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)	Unpermitted Home Occupation on Lots Smaller than 0.4 Hectare	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(11)	Unpermitted Home Occupation on Lots Smaller than 2.0 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(12)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(13)	Home Occupation Not Wholly Within Dwelling Unit or Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(15)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(16)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(17)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(18)	Home Occupation Not Operated By Residents of Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(20)	Home Occupation Noise Heard of the Lot.	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(22)	Unpermitted Home Occupation on Lot Larger than 2.0 Hectares	\$500.00	\$375.00	\$750.00	Yes	100%

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3.6(23)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(25)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(26)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(27)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(28)	Home Occupation Not Operated by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(29)	Home Occupation with More than Maximum Number of Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(30)	Home Occupation Noise Heard of the Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(32)	Dwelling Used for Home Occupation Not Occupied as Residence	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(33)	Home Occupation Improperly Storing Flammable/Toxic Materials	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(34)	Home Occupation Without Containment System to Prevent Water Contaminate	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(35)	Home Occupation without Residential Appearance	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(36)	Home Occupation Storage and Display Area of Incidental Sale Items too Large	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(a)	Bed and Breakfast Providing permanent accommodation	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(b)	Bed and Breakfast Rooms not Within Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(c)	Bed and Breakfast Providing More than Two Beds Per Bedroom	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(d)	Bed and Breakfast Not Serving Breakfast to Overnight Guests	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(39)	Bed and Breakfast Operating on Lot Smaller than 0.1 Hectare.	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(40)	Bed and Breakfast Exceeding Permitted Number of Bedrooms	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(41)	Bed and Breakfast Use Without Required Sewage System Certification	\$500.00	\$375.00	\$750.00	Yes	100%

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3.7(1)(a)	Vacation Home Rental Operating in Unpermitted Months	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(1)(c)	Vacation Home Rental Used by More than One Party in Seven Day Period	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(d)	Vacation Home Rental Too Many Beds/Bedrooms	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(e)	Vacation Home Rental Without Residential Appearance	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(f)	Vacation Home Rental Use Without Required Sewage System Certification	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(2)	Vacation Home Rental Without Required Sign	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(a)	Secondary Suite Without Siting and Use Permit	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(b)	Secondary Suit Does Not Comply With BC Building Code	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(c)	Secondary Suite Inadequate Rooms	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(d)	Secondary Suite Inadequate Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(e)	Secondary Suite Not in Principle Residential Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(f)	Secondary Suite Not Occupied by owner or Residential Tenant	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(g)	Secondary Suite Too Large	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(2)	Secondary Suite Without Sewage Disposal Certificate	\$500.00	\$375.00	\$750.00	Yes	100%
3.8(3)	Non Permitted Secondary Suite	\$500.00	\$375.00	\$750.00	Yes	100%
3.9(1)	Over height Fence	\$350.00	\$262.50	\$525.00	Yes	100%
3.10(1)(a)/b) (c)/d)	Inadequate Required Screening	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(a)	Temporary Dwelling Without Siting and Use Permit for a Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(b)	Exceed occupancy of Temporary Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(c)	Temporary Dwelling Without Approved Sewage System	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(d)	Temporary Dwelling Used as Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%

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3.12(1)	Storage of Derelict Items	\$500.00	\$375.00	\$750.00	Yes	100%
4.1.(1)	Sign Not In Accordance with Table 4.6 of Bylaw No. 150.	\$350.00	\$262.50	\$525.00	Yes	100%
4.2(1)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
4.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Off Street Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(2)	Disabled Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(1)/(2)/(3)/(4)/(5)	Parking Does Not Meet Design Standards	\$350.00	\$262.50	\$525.00	Yes	100%
5.4	Off-Road Parking Not in Accordance with Table 5.4 of Bylaw No. 150	\$350.00	\$262.50	\$525.00	Yes	100%
8.1(1)	Non Permitted Use in Small Lot (R1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.(2)(a)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.(2)(b)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.(4)(a)	Building /Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.(6)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.(8)	Fail to Comply With Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(1)	Non Permitted Use in Large Lot (R2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(2)(a)/(b)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(1)	Non Permitted Use in Community Housing (R3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
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CONTRAVENTIONS AND PENALTIES

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8.3(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Building/Structure In Community Service Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(6)	Dwelling in Community Housing Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(7)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(9)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(1)	Non Permitted Use in Community Housing R3A Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.3A(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(6)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(7)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(8)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(1)	Non Permitted Use in Residential 4- Forest (R4) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.4(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.4(6)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(1)	Non Permitted Use in Agriculture1 (A1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(3)	Exceeds Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(5)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(a)	Winery/Cidery Exceeds Retail Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(b)	Winery/Cidery Exceeds Lounge Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(c)	Winery/Cidery Lounge Operates Outside Permitted Hours	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(8)	Non Permitted Non Farm Use	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(9)	Milling Off Lot Timber	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(1)	Non Permitted Use in Agriculture 2 (A2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(7)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(1)	Non Permitted Use in Agriculture 3 (A3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.7(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.7(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(7)	Fail To Meet Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(1)	Non Permitted Use in Agriculture 4 (A4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(8)	Fail to comply with Site Specific Regulations	\$500.00	\$350.00	\$750.00	Yes	100%
8.9(1)	Non Permitted Use in Commercial 1 Retail (C1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.9(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Use in Commercial 2 Limited Commercial (C2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.10(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(4)	Restaurant Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(5)	Restaurant Exceeds Seating Capacity	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(6)	Bakery Exceeds Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(7)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(8)	Accessory Building/Structures Exceed Height/More than One Story	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(1)	Non Permitted Use in Commercial 3 (C3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.11(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(6)	Visitor Accommodation Unit/ Accessory Dwelling Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(7)	Pub Does Not Meet Minimum Capacity	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(8)	Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(10)	Fail to Meet Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.12(1)	Non Permitted Use in Commercial 4 Resort (C4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.12(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(5)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(6)	Restaurant Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(7)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(8)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(9)	Camping Space Accommodates More than One Vehicle	\$200.00	\$150.00	\$300.00	Yes	100%
8.12(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(1)	Non Permitted Use in Commercial 5 (C5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(b)	Building/Structure in Rear Setback	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.13(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(6)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(7)	Restaurant Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(8)	Retail Store Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(9)	Accessory Buildings Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(1)	Non Permitted Use in Commercial 6 Resort (C6) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.14(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(3)	Exceeds Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(5)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(6)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(1)	Non Permitted Use in Commercial 7 Campground (C7) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.15(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(5)	Camping Space in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(6)	Accessory Buildings Exceeds Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(7)	Accessory Residential Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(8)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(9)	Camping Space Accommodates More than One Vehicle	\$200.00	\$150.00	\$300.00	Yes	100%
8.15(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(1)	Non Permitted Use in Commercial 8 Campground C8 Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.16(2)	Non Permitted Building/Structure/Camping Spaces	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(5)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(6)	Camping Space Accommodates More than One Vehicle	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(7)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.17(1)	Non Permitted Use in Ecosystem Protection (EP1) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.17(2)	Non Permitted Buildings/Structures	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(1)	Non Permitted Use in Water Supply Protection (WS) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(3)	Building/Structure in Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.18(4)	Exceed Total Floor Area	\$350.00	\$262.50	\$325.00	Yes	100%
8.18(6)	Fail to Comply with Site Specific Regulations	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(1)	Non Permitted Use In Public Park (P1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.19(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(4)	Exceed Floor Area of Public Education Building	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(1)	Non Permitted Use in Public Park 2 (P2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.20(2)	Non Permitted Building /Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.20(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.21(1)	Non Permitted Use in Public Use (PU)Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.21(2)	Non Permitted Building /Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(5)	Exceed Floor Area of Residential Building	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(6)	Exceed Combined Floor Area of Accessory Buildings	\$350.00	\$262.50	\$525.00	Yes	100%
8.22(7)	Non Permitted Alcohol Sales	\$500.00	\$375.00	\$750.00	Yes	100%
8.21(9)	Fail to Comply with Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.22(1)	Non Permitted Use in Marine Conservation (M1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.22(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.23(1)	Non Permitted Use in Marine Park (M2) Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.23(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.24(1)	Non Permitted Use in Maricultrue (M3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.24(2)	Non Permitted Building/Structure	\$350.00	\$262.00	\$750.00	Yes	100%
8.24(3)	Building/Structure Impedes Access	\$350.00	\$262.50	\$750.00	Yes	100%
8.25(1)	Non Permitted Use in Marine Access (M4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.25(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.25(3)	Exceed Combined Floor Area of Accessory Buildings	\$350.00	\$262.50	\$325.00	Yes	100%
8.26(1)	Non Permitted Use in Marine Service (M5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.26(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.27(1)	Non Permitted Use in Maine Private Moorage (M6) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.27(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%

Schedule B
HORNBY ISLAND SITTING AND USE PERMIT BYLAW NO. 52, 1990
CONTRAVICTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.	Fail to obtain Sitting and Use Permit	\$500.00	\$375.00	\$750.00	Yes	100%

From: Tony Law [REDACTED]
Sent: Thursday, April 25, 2019 11:58 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: aallen@islandstrust.bc.ca; gscott@islandstrust.bc.ca; sfast@islandstrust.bc.ca

To: Hornby Island Local Trust Committee

Attached is a discussion paper on Hornby Island Housing which I prepared in July 2018 for last term's local trust committee.

The current committee may wish to review and discuss this document.

Tony Law

Hornby Island Housing, 2018 – Discussion Paper

History of initiatives

- legislative initiatives in bold

- Islands Trust initiatives in regular font

- *community initiatives in italics*

1990	<i>....Hornby conference on seniors' housing for islands</i>
1991	One dwelling permitted per public facility in
1992	Zone created for seniors' housing <i>....Land acquired for Elder Housing</i>
1993	Secondary dwelling permitted in ag. zone
1996	<i>....Elder Housing construction begins</i>
2003	OCP revisions enable: - community housing in public use zone - rezoning for social housing - rezoning for co-ops, land trusts - amenity zoning for housing
2004	Advisory Committee on Housing recommends: - displaced residents' seasonal accommodation - secondary dwelling units - establishing a community land trust
2005	<i>.....ISLA formed as community land trust</i>
2007	<i>....Hornby conference on Housing Solutions for Small Communities</i>
2008	<i>....Housing Needs Assessment completed (commissioned by HICEEC)</i>
2008	Regs. for public use area amended to permit: - community housing - supportive living facility - hostel
2009	Amenity zoning bylaws enable transfer of land to ISLA for “community housing”
2009	Additional house sites permitted for Syzygy Land Co-op
2009	<i>....Hornby Outer Island Housing Society formed; land identified for rental housing project</i> <i>....(Process and society later discontinued)</i>
2010	Affordable Housing Toolkit (Islands Trust) Seniors' Housing Strategy (Islands Trust)
2011	APC hosts Community Housing Forum - makes recommendations for OCP/LUB review
2014	Revised OCP contains new section on “Housing” including existing and new policies. New policies implemented in revised LUB: - secondary suite on larger lots - detached units on larger lots through TUP - additional subdivision of rural lots - reduced average lot size for rural lots
2016	<i>....HIRRA Housing Committee formed</i>
2018	Housing Needs Assessment for Northern Islands completed (Islands Trust)
2018	<i>....ISLA/Elder Housing form single Hornby Island Housing Society</i> <i>....preparing application to BC Housing for Beulah Creek project</i>

Permitted dwellings on Hornby Island

	Permitted dwellings per lot	Est. Total	Additional dwellings permitted	Comments
Residential Small lot (Sandpiper) (Galleon) (Anderson/WSB) (Other)	1	735 (314) (180) (185) (52)		<i>Islands Trust policy prevents additional density in areas with water problems</i>
Residential Large lot - less than 4 ha	1	149	- Secondary suite on lots over 2ha - Detached unit by TUP	<i>OCP enables rezoning for community housing & co-ops</i>
Residential Large lot - more than 4ha	2	114	- Secondary suite per dwelling - Detached unit by TUP	
Residential:	Total:	998		
Agricultural - less than 4ha	1	34	- Secondary suite on lots over 2ha	<i>ALC does not support ALR land being used for housing</i>
Agricultural - more than 4ha	1	76	- Secondary suite on lots over 2ha - Additional dwelling permitted if also permitted by ALC	
Syzygy	11	11	- Secondary suite per dwelling	
Shire	12	12	- Secondary suite per dwelling	
Downes Point	9	9	- Secondary suite per dwelling	
Agricultural	Total:	142		
Other - commercial	1	5		
Other - park	1	1		
Other - public use	1	8	OCP enables community housing in this zone	<i>No projects yet proposed</i>
Other	Total:	14		
Community housing - The Village	11	11		<i>Potential for large lots or public use land to be zoned for this purpose</i>
Community housing - Beulah Creek	30	30		
Community housing	Total:	41		
2016:			2006:	
Total permitted dwellings: (estimated by counting lots)	1,195		?	
Total dwellings built:	1,100	968		
Dwellings occupied by residents: % of total	560 50.7%	547 57%		
Resident population:	1,010	1,074		
Average household size:	1.8	2		

Housing Needs Assessment: Rental Housing on Hornby Island

- Income and affordable housing:

45.6% of households (all households below moderate income of \$30,000) need rental housing \$688/month or less

- Housing challenges for Hornby Islanders

1. Unaffordable relative to income – particularly since there is a large percentage of households that earn under \$25,000 per year.
2. Uncertain tenure forcing people to move seasonally – often forcing people to share accommodation in the summer months and/or live in tents and campgrounds.
3. Lack of housing options – while Hornby Island has seniors housing, there are no options for other secure rental options.

- Private market rental housing

Anecdotal evidence and survey results for the assessment confirm a limited market for rental housing

- Social housing:

Hornby Island Elder Housing Society operates 11 rental units for seniors' housing and has a waiting list of over 30 people. Islanders' Secure Land Association is working on a development of 20-30 affordable rental units and has received expressions of interest from over 40 people. (*The two organizations have now merged to form the Hornby island Housing Society.*)

- Where people live who need affordable housing:

Over 80% of survey respondents indicated that those in need of affordable housing live in trailers or mobile homes, and illegal cottages.

- Conclusions and recommendations of the Housing Needs Assessment

Based on the population projections, there could be a need for potentially 158 residential units in the next 25 years. Based on the 2016 Census, 41% of the total population falls within the no, low and low/moderate income levels. The 2008 Housing Needs Assessment on Hornby and Denman Island identified a total housing need of 97 units for renters and seniors. Based on the population growth projected for 158 units and 41% need for affordable rental, Hornby Island now requires between 65 and 97 affordable housing units. This would require between three and four affordable rental housing units to be constructed each year.

Large Lot Regulations

(Hornby Island compared to other islands)

The large lot zone (R2) is the only residential zone on Hornby Island with the potential for density to be increased to provide additional potential housing opportunities. (The small lots are in areas which have water quality/quantity challenges). Agricultural lots are in the ALR where additional housing is controlled by the ALC.

Island	Subdivision		Housing density		
	Min.	Av			
Hornby	1ha	2ha	Under 2ha: 1 dwelling*	2ha+: 1 dwelling* + sec suite	4ha+: 2 dwellings* + sec suite per dwelling + additional detached unit permitted by TUP only <i>*Max dwelling size: 300m2</i>
Denman	2ha	4ha	Under 4ha: 1 dwelling + sec. suite	4ha+: 1 dwelling + 1 additional dwelling per 4ha + 1 sec. suite per lot	+ additional detached unit permitted by TUP only + travel trailer for “occasional non-commercial accommodation”
Gabriola	2ha	4ha	Under 2ha: 1 dwelling	2ha+: 1 dwelling + 1 cottage*	<i>*Max cottage size: 65m2</i>
Thetis	2ha	4ha	Under 8ha: 1 dwelling + 1 cottage*	8ha +: 1 dwelling + 1 additional dwelling per 4ha + 1 cottage* per dwelling	<i>*Max cottage size: 65m2</i>
Mayne	2.8ha	-	Under 2.8ha: 1 dwelling + 1 cottage*	2.8ha + 1 dwelling + 1 additional dwelling per 2.8ha + 1 cottage* per dwelling	<i>*Max cottage size: 60m2 on lots less than 1ha 93m2 on lots more than 1 ha</i>
N.Pender	0.6ha	4ha	1 dwelling + 1 cottage*		<i>*Max cottage size: 56m2</i>

Discussion

- Market Rental Housing

The market is not providing the required affordable, stable renting housing. Dwellings are generally owned for the present or future use of the owner and not primarily to provide residential tenancies.

- Social housing

If a present proposal to BC Housing goes through, the Hornby Island Housing Society has the potential to triple the current number of affordable rental units (11 at the Elder Housing Village). But this will not go halfway to meet the current demand evidenced by the waiting list and expressions of interest nor to address the rental requirements projected in the Housing Needs Assessment.

- Secondary dwelling units

The lack of applications indicates there has been no formal uptake with respect to the provisions for secondary suites (by Siting and Use Permit) and detached units (by Temporary Use Permit).

Secondary suites were seen as a way to use the existing built infrastructure to create housing opportunities given the reduction in household size. But maybe this option does not resonate with the norms of rural living.

Temporary Use Permits were seen as a way to provide more control over the development and use of detached units than is possible through zoning regulations. But maybe the cost and challenging process has deterred applications.

- Unpermitted dwelling units

Anecdotal information suggests that a significant proportion of affordable rental housing is through non-permitted dwellings such as cabins and mobile units. These are the kind of situations that the temporary use permit provision was intended to address in order to enable legalization.

- Accessibility versus accountability

The limited number of regulatory options can make it challenging to find an appropriate balance between accessibility and accountability. Allowing secondary units as an outright permitted use in a zone can make it hard to build in a sufficient degree of accountability through regulations. Allowing them only through Temporary Use Permits provides a much higher degree of accountability, but at the expense of accessibility because the bureaucratic requirements and cost are barriers to applications. The consequence of insufficient accessibility to permitted uses can be a proliferation of unpermitted uses. When these involve housing community members there can be a reluctance to initiate bylaw investigations through complaints and a reluctance to enforce identified violations (the Bylaw Enforcement Manager recently suggested to Trust Council that there is not a social licence for the Islands Trust to enforce situations that could result in island residents being put out of their homes).

So it is worth looking at ways to achieve a better balance between accessibility and accountability. One approach might be to have a more affordable, less demanding Temporary Use Permit process. Another might be to explore what might be achievable through zoning regulations.

- More Accessible Temporary Use Permits

These could be made more accessible by reducing (or eliminating) the fee and having much simpler guidelines. However, TUPs will still need to be advertised and to provide the opportunity for neighbourhood comments. They will still need to be subsequently renewed and then re-applied for. As with zoning regulations, TUPs cannot provide accountability with respect to the use of secondary units (such as for affordable housing or caretaker accommodation) without a housing agreement which adds another big layer of bureaucracy.

- More accountable zoning regulations

To explore this option, the first step would be to identify issues that require a degree of accountability and then explore workable options for regulations.

Issues might involve:

- inappropriate uses
- type and size of units permissible
- impacts on the land
- provision for water supply and liquid waste treatment
- limiting total number
- impacts on neighbours
- addressing future interests in subdivision
- limiting total number on the island

Examples of regulatory approaches that might be explored to address these issues:

- prohibition against use for visitor accommodation
- requirement that secondary unit be occupied through a residential tenancy agreement or that mobile unit be occupied as principle residence of the occupant (*is this possible?*)
- maximum size of unit
- maximum combined size of principal and secondary units to not exceed permitted max size of a dwelling unit in the zone
- maximum permitted combined number of bedrooms (4) in the principal and secondary unit (to limit water/waste requirements to what would be expected in a principle dwelling)
- location of secondary unit within a specified distance from principle unit
- requirement for “no-subdivision” covenant
- initially limit permissibility of secondary units to a pilot subzone (eg close to institutional and main commercial centres) rather than throughout the whole island.

Possible next steps

Request a staff report to outline potential options. Appoint a special purpose Advisory Planning Commission to review options with the community.

Prepared by Trustee Tony Law 23 July 2018



Islands Trust

MEMORANDUM

File No.: 0680-25
(Annual Report)

DATE OF MEETING: May 24, 2019
TO: Hornby Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2018-2019 Annual Report

RECOMMENDATION:

1. That the Hornby Island Local Trust Committee endorse the following text for inclusion in the 2018-2019 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

The Hornby Island Local Trust Committee (HO LTC) held five regular business meetings in the 2018/19 fiscal year.

During this period, the HO LTC continued work on community education and enforcement around vacation home rentals, initiated land use bylaw technical amendments, and commenced a project to address watershed protection and groundwater preservation on the island.

The HO LTC also received and considered development applications including four development permit applications, one temporary use permit application, and two Agricultural Land Commission applications.

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2018-2019 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2019.

Preparation of the Islands Trust Annual Report is outlined in Trust Council's [Annual Report Policy 6.10.i](#). Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council's policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services (or designate).

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	May 13, 2019
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DATE OF MEETING: May 24, 2019
TO: Hornby Island Local Trust Committee
FROM: Sue Ellen Fast, Chair
Choose an item.
SUBJECT: Meeting Procedures Regarding Public Input

RECOMMENDATIONS:

1. That the Hornby Island Local Trust Committee endorse the Guidelines for Public Participation during Local Trust Committee Meetings as attached to the memorandum from Chair Sue Ellen Fast received May 17, 2019.
2. That the Hornby Island Local Trust Committee request that staff include the Guidelines for Public Participation during Local Trust Committee Meetings on the local trust committee webpage.
3. That the Hornby Island Local Trust Committee request staff to prepare a draft Meeting Procedures Bylaw, which incorporates the Guidelines for Public Participation during Local Trust Committee Meetings for consideration at a subsequent meeting.

PURPOSE

The Hornby Island Local Trust Committee (LTC) is asked to consider the attached Guidelines for Public Participation during Local Trust Committee Meetings, endorse the guidelines as presented or amended, and request staff to post the guidelines on the LTC website and prepare a draft meeting procedures bylaw.

The purpose of the guidelines is to:

- Invite public participation in LTC meetings in a constructive and respectful manner;
- Effectively manage public input received through correspondence, delegations, applicant speaking opportunities and Town Hall sessions;
- Ensure LTC meetings are run efficiently, preserving time for delegations who wish to present new ideas or information that is not otherwise being considered by the LTC (in a project or application) and adhering to the prescribed time allotment for agenda items; and
- To provide guidance to an updated LTC Meeting Procedures Bylaw.

BACKGROUND

As a new LTC chair, I have been approving agendas and running meetings while asking questions and searching the website for information about who can appear as a delegation, when an applicant can speak, and also trying to invite meaningful participation and answer questions from citizens. While guidelines for managing public participation do exist for Islands Trust Council (see <http://www.islandstrust.bc.ca/trust-council/council-meetings/talk-to-council/>), clear and consistent guidelines for public participation in LTC meetings do not exist.

Islands Trust Council Guidelines

The meeting procedures for Trust Council, Committees and Executive Committee (EC) are found in Trust Council Bylaw No. 101: <http://www.islandstrust.bc.ca/media/341860/bylaw101meetingprocedures.pdf>. Bylaw No. 101 includes the following:

Notice to Secretary of Petitions and Delegations

- 5.8 *A person who wishes to present a petition to, or a delegation who wants to appear before Council at a regular meeting of Council shall, at least three weeks prior to the meeting, deliver the request in writing to the Secretary. The request shall include the name of each petitioner with his or her residential address and the subject of the petition or delegation.*
- 5.9 *At the discretion of the Executive Committee, the petitioner or delegation may be given a space on the agenda.*
- 5.10 *No petition may be presented to, nor delegation appear before Trust Council unless Section 5.8 and 5.9 has been complied with unless otherwise agreed to by resolution of the Executive Committee before the meeting or of Trust Council at the meeting.*

Correspondence

- 5.11 *Anyone who wishes correspondence to be considered at a meeting of Council shall, at least three weeks prior to the meeting, deliver the correspondence to the Secretary. At the discretion of the Executive Committee, the correspondence shall be attached to the agenda or where it deems it appropriate, the correspondence shall be identified on the agenda and copies made available to Trustees who request it at the meeting.*

Time Allowed for Petitions and Delegations

- 5.12 *The maximum time for presentation of a petition or appearance of a delegation before Council is ten (10) minutes unless otherwise approved by resolution of the Executive Committee before the meeting or by resolution of Trust Council at the meeting.*

PROPOSED GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS

The proposed guidelines for public participation during LTC meetings are attached. They suggest that delegations request to appear and provide any supporting presentation materials at least two weeks before an LTC meeting (Trust Council requires delegations to make their requests 3 weeks in advance but many LTC meetings are only 4 weeks apart). The Applicants section is new and not adapted from text found in Bylaw No. 101 or in any other Islands Trust policies or bylaws or webpages I have looked at so far. I understand that applicants have a common law right to be heard when their applications are being considered for decision on an LTC agenda.

Financial Implications

Staff time may be reduced by clarifying expectations regarding when materials for delegations are to be submitted in advance, so that the need to retroactively add materials to already published agendas is reduced.

Climate Implications

By providing the invitation for applicants to participate remotely through electronic means, GHG emissions may be reduced.

ALTERNATIVES

1. Endorse amended or different guidelines for public participation, for inclusion on the LTC website and to guide preparation of a new Meeting Procedures Bylaw.
2. Receive for information

To extend the invitation to participate in LTC meetings, in the interest of administrative fairness, to clarify expectations, to preserve delegation time for new ideas, suggestions, issues and citizens that may be new to the LTC or for other updates and perspectives to enrich the LTC's discussions, and to generally facilitate productive meetings that democracy would be proud of, I submit this proposed text.

Respectfully,

Sue Ellen Fast, Chair
Local Trust Committee

ATTACHMENTS

1. Guidelines for Public Participation during Local Trust Committee Meetings
2. Meeting Procedures Bylaw

GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS (DRAFT)

How to Share Your Ideas with the Hornby Island Local Trust Committee

Town Hall

This is an opportunity for public comments typically offered during each LTC meeting. The Town Hall is a chance for members of the public to inform trustees about topics relevant to the local trust area. While no advance notice is required to speak at a town hall session, the time available will vary, depending on the number of citizens who wish to speak during the 10 minute session. The LTC will make every effort to hear all members of the public during the Town Hall but reserves the right to limit Town Hall submissions.

Organizations and individuals who have submitted an application to the Islands Trust should not speak during Town Hall. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Delegations

At least two (2) weeks prior to the local trust committee (LTC) meeting, send a request to northinfo@islandstrust.bc.ca including the name and address of the presenter(s), the subject of the delegation and any materials or documents to be presented. It is important to note that the purpose of a delegation is to present new ideas or information that is not otherwise being considered by the LTC (in a project or application). The LTC does not typically make decisions on delegation requests at the same meeting, although they may choose to request staff to report back with further information.

Delegations have up to 10 minutes to speak to the LTC unless additional time is permitted by LTC resolution. To ensure necessary business is completed, the LTC reserves the right to limit the number of delegations it receives at any one meeting.

Organizations and individuals who have submitted an application to the Islands Trust do not appear as a delegation. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Correspondence

Correspondence may be submitted to the LTC at any time by email to northinfo@islandstrust.bc.ca.

If a member of the public or an organization wishes to have their correspondence included in an LTC agenda package, this request must be received at least two (2) weeks prior to the LTC meeting (either in person, by mail or by email to northinfo@islandstrust.bc.ca).

Correspondence included in an LTC agenda package should pertain to issues which are not otherwise being considered in LTC projects or applications. Organizations and individuals who have submitted an application to the Islands Trust should direct correspondence to the staff assigned to their application.

Correspondence regarding LTC projects or complex applications is typically posted to the LTC website.

Anonymous correspondence will not be accepted.

Applicants

Applicants should communicate with Islands Trust staff regarding application requirements and the application process. Contact staff via northinfo@islandstrust.bc.ca or visit <http://www.islandstrust.bc.ca/islands/land-use-planning/application-guides-forms/> for further information.

When an application comes before the LTC for a decision, staff will present a report and recommendations to the LTC. The applicant may then speak, for up to 5 minutes, in order to indicate their concurrence with the report and recommendations or to advise the LTC of any errors or omissions. After the LTC makes a decision, the applicant may ask questions for clarification of the LTC's decision or direction to staff.

Applicants are permitted to participate electronically in meetings.

Applicants should communicate with Islands Trust staff in advance of the LTC meeting if they are concerned with staff recommendations or if they are aware of any errors or omissions in the staff report.

Please note, the LTC is under no obligation to accept delegations, town hall comments, correspondence, or other submissions that are deemed defamatory or offensive in nature.



**HORNBY ISLAND
MEETING PROCEDURE BYLAW
No.118, 2004**

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: November 1, 2018

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:**

Bylaw Number
Bylaw No. 156

Amendment Number
Amendment No. 1, 2018

Adoption Date
October 28, 2018

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 118, 2004

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

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

SHORT TITLE

1. This bylaw may be cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 118, 2004".

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting of the first year and the last meeting of each of the subsequent calendar years, following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a notice board on island that is accessible to the public and in the Northern Office of the Islands Trust.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee's mailing address or given to the trustee in person.
6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the date, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
7. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson's representations, if any, regarding the calling of the meeting.
8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
9. A quorum of the Local Trust Committee is two members.
10. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

BL156
11/2018

BL156
11/2018

BL156
11/2018

MINUTES

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

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

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

ELECTRONIC MEETINGS

- BL156
11/2018
17. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio-visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
 18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio-visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
 19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.
 20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.
 21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
 22. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
 23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.

24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
25. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
26. For the duration of an electronic meeting that is open to the public, the Director of Local Planning Services, or his or her designate, must attend at the place specified in the meeting notice.
27. If communication is lost to one or more electronic participants during a meeting:
 - a. the affected participants will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting, and this will be recorded in the minutes;
 - b. if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - c. if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next Local Trust Committee meeting agenda.
28. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Hornby Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has otherwise received the approval of the majority of Local Trust Committee members.

EXECUTION OF DOCUMENTS

- BL156
11/2018
29. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.
 30. "Hornby Local Trust Committee Meeting Procedures Bylaw No. 95, 1997" is repealed.

READ A FIRST TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
READ A SECOND TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
READ A THIRD TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
10 TH DAY OF MARCH , 2004				
ADOPTED THIS	22 ND	DAY OF	MARCH	, 2004.

CHAIRPERSON

SECRETARY



Islands Trust

STAFF REPORT

File No.: 4800-25

DATE OF MEETING: May 24, 2019

TO: Hornby Island Local Trust Committee

FROM: Gillian Nicol,
Project Lead, Visions 2099: The Future of the islands in the Salish Sea
Program Coordinator, Trust Area Services

Andrew Templeton,
Communication Lead, Visions 2099—The Future of the islands in the Salish Sea
Communication Specialist, Trust Area Services
Southern Team

COPY: Russ Hotsenpiller
Project Sponsor, Visions 2099—The Future of the islands in the Salish Sea
Chief Administrator Officer, Islands Trust

SUBJECT: Public Engagement on Hornby Island for Visions 2099: The Future of the islands in the Salish Sea (Working Title)

RECOMMENDATION

- 1. That the Hornby Island Local Trust Committee approve the recommended public engagement activities to take place in the Hornby Island Local Trust Area in support of the Trust Council's Visions 2099: The Future of the islands in the Salish Sea, as outlined in the May 24th, 2019 staff report.**

REPORT SUMMARY

The purpose of this report is to give the Hornby Island Local Trust Committee (HI LTC):

- background information on Trust Council's Visions 2099: The Future of the islands in the Salish Sea (working title);
- an outline and description of the in-person and online engagement activities that are proposed for the Hornby Island Local Trust Area, which will take place at some point between June and November 2019.

BACKGROUND

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee (EC) co-ordination of a review of the following sections of the Islands Trust Policy Statement: Introduction, Part I, Part II and Schedule 1 - Definitions.

The Executive Committee established the objectives for this review as follows:

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change.

2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area.
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes.
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat.

At its March 2019 meeting, EC approved an engagement plan to support this review process. With the working title *Visions 2099: The Future of the islands in the Salish Sea*, the plan features a twin-track approach with strategies designed to engage First Nations alongside residents of the island communities and the general public. It is with the latter engagement work that this current report is concerned.

An individual engagement plan will be developed for each local trust area, making use of different engagement options, which are outlined in the appendix.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually, and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed in the intervening years, and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

Recommended Engagement Activities

The recommended course of action for the Hornby Island Local Trust Area in support of *Visions 2099* is as follows:

- a) We would hold a community drop-in and world café event (Appendix 1, Page 14 for more information) during the engagement period between September and October 2019.

During the community drop-in portion of the event, information boards with the following content will be posted:

- The history of First Nations in the Salish Sea region, with specific reference to the Hornby Island LTA;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- An overview of how the Policy Statement impacts decision-making in the Islands Trust Area;
- A snapshot of environmental health and demographics of the Hornby Island LTA, how things might change in the future if trends continue as they are;
- A snapshot of the environmental and social health of the Salish Sea region as a whole;
- Identify some of the issues that unite island communities; how things might change in the future if trends continue as they are.

The world café is a technique that brings people together in simultaneous rounds of conversation about questions that matter. We will provide members of the public an opportunity to foster meaningful discussion on questions

pertaining to the topics from the information boards and others identified. This method provides the opportunity for members of the public to collaborate with others and empower one another.

- b) We will offer online engagement (Appendix 1, Page 15 for more information) with a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. It will contain the same information about the Hornby Island LTA provided during the in-person engagement and encourage online participation on the issues.

Promotion of the project will happen at both the regional and local level. This will include advertising in local paper, subscriber list, and promotion through social media. A few weeks in advance of the proposed in-person engagement, individuals with an interest in the Hornby Island LTA will be invited to submit their suggestions and ideas for topics that could fit within the broad themes of the project for the in person engagement.

ALTERNATIVES

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

1. Request further information

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

2. Suggest alternative engagement methods

The LTC suggest an alternative option for how engagement could take place in the Hornby Island LTA, supported by the materials contained in the attached Visions 2099 document. The LTC should be aware that the engagement processes—involving as it does, 13 different local trust areas and Bowen Island Municipality—is complex and requires a certain level of consistency across the entire Islands Trust Area to support appropriate data-collection.

RECOMMENDATION

That the Hornby Island Local Trust Committee approve the recommended public engagement to take place in the **Hornby** Island Local Trust Area in support of the Trust Council's Policy Statement amendment project.

Submitted By:	Gillian Nicol, Project Lead, Visions 2099: The Future of the islands in the Salish Sea Program Coordinator, Trust Area Services Andrew Templeton Project Communication, Visions 2099: The Future of the islands in the Salish Sea Communications Specialist, Trust Area Services Southern Team	May 10, 2019
Concurrence:	Russ Hotsenpiller Project Sponsor, Visions 2099: The Future of the islands in the Salish Sea Chief Administrator Officer, Islands Trust	May 10, 2019

ATTACHMENTS

Appendix 1: Engagement plan for the Visions 2099: The Future of the islands in the Salish Sea, working title.



Visions 2099:
The future of the islands in the Salish Sea
(Working Title)
Engagement Plan

(to inform amendments to **Introduction, Part I, Part II and**
Schedule 1 - Definitions sections
of the Islands Trust Policy Statement and the Islands Trust Act)

March 29, 2019

Introduction

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee, with involvement from Trust Programs Committee as appropriate, co-ordination of a review of the Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement; herein called Phase 1. By limiting the review/ amendment process to the preamble and definitions sections, Trust Council provides an opportunity to update sections of the document while promoting better understanding of the Islands Trust and an opportunity for all parties in the amendment process (Islands Trust staff, provincial staff, First Nations, referral agencies and the public) to familiarize themselves with the Policy Statement and amendment processes.

Thereafter, information and insight gained from Phase 1 will be applied to the more complex engagement required to amend the commitment, recommendation and directive policies of Trust Council in Part Three of the Policy Statement; herein called Phase 2. Trust Council's Policy Statement Amendment Policy outlines the required steps for Trust Council to review and amend the Policy Statement Bylaw. Key considerations for the amendment process are that the Policy Statement Bylaw may be amended by Trust Council only with the approval of the Minister responsible for local government, and such Ministerial approval will be based on ensuring no conflicts with Provincial interests and adequate engagement with First Nations.

The Policy Statement Amendment Policy defines the required sections and audiences for a plan for engaging First Nations and stakeholders on the Policy Statement. These are addressed below.

In November 2017, the Islands Trust Chair sent letters to First Nations inviting them to be involved in this project. This plan will support re-initiation of that invitation.

In December 2018, Trust Council requested that the Minister consider 10 changes to the Islands Trust Act that address the themes of enforcement and administration, modernization and advancing the mission.

In March 2019, Trust Council adopted a Reconciliation Declaration that will underpin this project. The First Nations Engagement Principles Policy sets out that Trust Council is committed to proving sincere desire for reconciliation with First Nations. Phase 1 engagement will endeavor to ensure First Nations define how they want to comment and which areas of the Policy Statement they would like to review. Phase 1 should ensure that we do not define the process and limit it to how we would like to engage. We want to ensure that engagement is allowing for collaborative decision-making and relationship building. This may include First Nations providing extensive comments on the document as a whole, while others may only focus on certain areas.

In March 2019, Trust Council added climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.

Reconciliation with First Nations and the impact of climate change are changing how we think of our communities and how we plan for the future. With these major forces in play, impacting our lives on both the individual and collective levels, we need to ensure that the policy foundations set in place today preserve and protect the islands in ways that will ensure their health into the long-term future. What are our Island Visions for 2099? Do our current policy frameworks guide us to that desired future?

Objectives

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change.
2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area.
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes.
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat

Context

The Policy Statement was developed over a period of two years from 1991 to 1993, through a comprehensive public consultation process that generated a high level of public participation and interest. However, at that time the consultation process did not focus or include engagement with First Nations who had historical and present day treaty, rights and title, and reserves within the Trust Area. Trust Council considered input from individuals, groups and other government agencies through presentations and more than 400 written submissions that outlined values, hopes and concerns. The Islands Trust Council adopted the Policy Statement bylaw in June 1994, following approval by the Minister of Municipal Affairs. Trust Council made updates to the Policy Statement in 1996, 1998, and 2002, following further consultation and ministerial approval.

In March 2010, Trust Council established a Policy Statement Assessment Task Force to conduct a preliminary assessment of the Trust Policy Statement and make recommendations regarding further actions. The task force produced a final report in May 2011. In March 2012, Trust Council decided not to undertake a three year comprehensive Policy Statement review process with funding from Canada's Gas Tax Fund.

Since that time there has been many changes in case law such as the Tsilhqot'in decision, signing of the United Nations Declaration on the Rights of Indigenous Peoples, the Trust and Reconciliation

Commission Calls to Action, as well as the Islands Trust First Nations Engagement Policy, and Islands Trust Reconciliation Declaration. There have also been changes in the region that include population growth, property value increases, demographics changes, climate change concerns, and increased concern with marine shipping and other marine uses. In preparation for this engagement initiative, staff have prepared an interim State of the Islands report that will inform conversations. There is an opportunity to engage on these societal and environmental changes through an inclusive process that creates positive opportunities to educate about the present state and the role of Islands Trust, and to envision a desired future.

Approach

Island Vision 2099

The project will be overseen by the Executive Committee with involvement from Trust Programs Committee as appropriate. In addition, the Ministry of Municipal Affairs and Housing has requested that the project have an inter-municipal advisory group comprised of, at minimum, representatives of the Ministry of Municipal Affairs and Housing, the Ministry of Indigenous Relations and Reconciliation, and Forests, Lands and Natural Resource Operations and Rural Development. There is also a need to keep the Minister of Municipal Affairs and Housing informed about the project on a regular basis. The first update to the Minister is proposed for mid-May 2019.

The project will feature a twin-track approach with strategies designed to engage with First Nations alongside engagement work designed for general island communities. It will also include regular updates to Trust Council and some engagement with Trust Council itself. As an agency that works on behalf of all British Columbians, the project will accept feedback from individuals who have an interest in the Trust Area but may not currently be a resident or landowner.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

To support the conversation, we will provide background information in the following topic areas:

- The history of First Nations in the region and the LTA in question;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- A snapshot of environmental health and demographics of the LTA in question, how things might change in the future if trends continue as they are;
- A snapshot of the environmental and social health of the region as a whole;

- Identify some of the issues that unite island communities; how things might change in the future if trends continue as they are.

The first three bullet points—dealing with First Nations, Reconciliation, and the Islands Trust—are communication exercises that will help establish context and baseline knowledge among those who are participating in the process. If people want to discuss these issues, we will note their points of view but will try to gently keep the conversation focused on the primary topics.

It will be under the following bullet points—local and regional environmental health—that the engagement activities will be organized (at least for the general communities). Feedback and ideas generated under these two headings will help us reshape how the Policy Statement could / should be reframed.

Both online and in-person, the process for engagement will be similar: layout the background information, as described above, and then invite feedback on the core issues that communities are facing on the local and larger regional levels and what could/should be doing to preserve and protect.

Key messages

In keeping with Islands Trust Public Engagement Principles (Appendix C) and the [December 2016 First Nations and Public Engagement project charter](#) this engagement strategy aims to be inclusive, respectful of Reconciliation principles, accessible, transparent, and adaptable. Initial key messages will be those below, recognising that these messages will evolve as staff develop the engagement materials, hear from the Ministry about how to proceed with engaging on the Islands Trust Act changes, and receive feedback:

- The Islands Trust Policy Statement is fundamental to the operations of the Islands Trust, guiding decisions about land use planning and advocacy.
- The 20-year-old Policy Statement continues to offer a positive vision for the Trust Area but is overdue for some updates.
- The Policy Statement Amendment Project will offer diverse opportunities for community members and First Nations to raise issues they are passionate about;
 - Trust Council's current Policy Statement Amendment Project is focused on the introduction and definition sections.
- The Policy Statement will play a role in reconciliation creating policies and principles that uphold the Islands Trust Reconciliation Declaration, and other guiding principles at this time.

Staff will work with the Executive Committee on any major deviations from this messaging.

Interested parties

- Trust Council
- Executive Committee
- Trust Programs Committee
- Interagency advisory group
- Trust Area community members
- Islands Trust trustees
- Islands Trust staff
- Honourable Selina Robinson, Minister of Municipal Affairs and Housing
- Ministry of Municipal Affairs and Housing staff
- Media
- First Nation Chiefs and Councils
- Referral agencies: (listed below)

Islands Trust bodies

1. Ballenas-Winchelsea Islands LTC
2. Bowen Island Municipality
3. Denman Island LTC
4. Gabriola Island LTC
5. Galiano Island LTC
6. Gambier Island LTC
7. Hornby Island LTC
8. Lasqueti Island LTC
9. Mayne Island LTC
10. North Pender Island LTC
11. Salt Spring Island LTC
12. Saturna Island LTC
13. South Pender Island LTC
14. Thetis Island LTC
15. Trust Fund Board

First Nations

16. Cowichan Tribes
17. SXIMEŁEŁ (Esquimalt) Nation
18. Halalt First Nation
19. Homalco First Nation
20. K'ómoks (Comox) First Nation
21. Klahoose First Nation
22. Lake Cowichan First Nation
23. Lyackson First Nation

- 24. MÁLEXEŁ (Malahat) Nation
- 25. xʷməθkʷəy̕əm Musqueam Indian Band
- 26. BOḰEĆEN (Pauquachin) First Nation
- 27. Penelakut Tribe
- 28. Qualicum First Nation
- 29. Scia'new (Beecher Bay) First Nation
- 30. SEMYOME (Semiahmoo) First Nation
- 31. Shíshálh (Sechelt) Nation
- 32. Shaw-naw-as (Nanoose) First Nation
- 33. Snuneymuxw (Nanaimo) First Nation
- 34. Lekwungen (Songhees) Nation
- 35. Sk̓w̓xw̓ú7mesh (Squamish) Nation
- 36. Stz'uminus (Chemainus) First Nation
- 37. Tla'amin (Sliammon) First Nation
- 38. T'Sou-ke (Sooke) Nation
- 39. WJOŁEŁP (Tsartlip) First Nation
- 40. STÁUTW (Tsawout) First Nation
- 41. Tsawwassen First Nation
- 42. Tsleil-Waututh/
Səl̓ílwətaʔ/Selilwitulh (Burrard Inlet)
Nation
- 43. WSIḴEM (Tseycum) First Nation
- 44. We Wai Kai (Cape Mudge) First
Nation
- 45. Wei Wai Kum (Campbell River) First
Nation

46. Treaties and Treaty Groups

- 47. Douglas Treaty
- 48. Nanwakolas Council
- 49. Hul'qumi'num Treaty Group
- 50. Laich-kwil-tach Treaty Society
- 51. Naut'sa mawt Tribal
- 52. Te'mexw Treaty Association

Regional Districts

- 53. Capital Regional District
- 54. Comox Valley Regional District
- 55. Cowichan Valley Regional District
- 56. Metro Vancouver Regional District

57. Nanaimo Regional District
58. qathet Regional District
59. Sunshine Coast Regional District

School District Boards

60. School District No. 45 (West Vancouver) (Gambier)
61. School District No. 46 (Gambier)
62. School District No. 79 (Thetis)
63. School District No. 68 (Gabriola/Ballenas-Winchelsea)
64. School District No. 69 (Lasqueti/Ballenas-Winchelsea)
65. School District No. 71 (Denman/Hornby)
66. School District No. 64 (Gulf Islands – Galiano/Mayne/North Pender/Salt Spring/Saturna/South Pender)

Improvement District Boards

67. Gabriola (Fire Protection District)
68. Graham Lake (Improvement District)
69. Schmidt (Improvement District)
70. Galiano Estates (Improvement District)
71. Gossip Island (Improvement District)
72. Montague (Improvement District)
73. Spanish Hills (Improvement District)
74. Wise Island (Improvement District)
75. Bennett Bay (Waterworks District)
76. Campbell-Bennett Bay (Improvement District)
77. Lighthouse Point (Waterworks District)
78. Mayne Island (Improvement District)
79. Village Point (Improvement District)
80. Georgina (Improvement District)
81. Razor Point (Improvement District)
82. Trincomali (Improvement District)
83. Harbour View (Improvement District)
84. Mount Belcher (Improvement District)
85. North Salt Spring (Waterworks District)
86. Piers Island (Improvement District)
87. Salt Spring Island (Fire Protection District)
88. Scott Point (Waterworks District)
89. Secret Island (Waterworks District)
90. Saturna Shores (Improvement District)
91. Thetis Island (Improvement District)
92. Vaucroft (Improvement District)

Provincial Government

93. Ministry of Agriculture

94. Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
95. Ministry of Municipal Affairs and Housing (Housing Policy Branch)
96. Ministry of Energy, Mines and Petroleum Resources
97. Ministry of Environment and Climate Change Strategy
98. Ministry of Environment and Climate Change (BC Parks and Conservation Officer Service Division)
99. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
100. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – West Coast Office– South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
101. Ministry of Transportation and Infrastructure on Vancouver Island and South Coast
102. Ministry of Indigenous Relations and Reconciliation (West Coast Office)
103. Ministry of Indigenous Relations and Reconciliation (South Coast Office)
104. Ministry of Health
105. BC Ferries
106. Agricultural Land Commission

Federal government

107. Environment Canada
108. Transport Canada
109. Fisheries and Oceans Canada – Fish Protection and Aquaculture
110. Parks Canada

Resources

The project will be supported by the following elected officials:

Position	Role
Chair	Spokesperson and participant in First Nations meetings
Vice Chairs	Participant in First Nations meetings, as required, and spokespeople as required.
Trustees	Participants in public engagement processes on their islands.

This project will be supported by the following staff positions:

Position	Role
Chief Administrative Officer	General project oversight and participant at meetings with First Nations, project sponsor
Director, Trust Area Services	Project manager, note taker at First Nations meetings as required, project reporting
Senior Intergovernmental Policy Advisor	Delivery of First Nations engagement, support to public engagement, note taker at First Nations meetings as required, project reporting
Senior Policy Advisor	Support for public engagement and support to First Nations engagement, note taker at First Nations meetings as required, project reporting
Communications Specialist	Communications planning and implementation
Program Coordinator	Project lead, Project coordination, delivery of public engagement, deliver of first nations engagement, correspondence mgmt, meeting logistics, referral mgmt, tracking of project milestones/ costs/reporting, comms support
Finance Officer	Processing of service contracts
Finance Clerk	Processing of invoices
Director, Local Planning Services	Advisor on public engagement processes

Regional Planning Officers	Support and advisor on public engagement processes and events
Island Planners and Planners 1 and 2	Provide support when leading up to engagements and during engagements
Legislative Clerks	Support report writing and event/engagement planning
Administration Assistant	Support event/engagement planning

Promotion

To support the engagement processes in-person and online, staff will be creating a variety of print and digital materials that will explore the key themes of the review process from both a regional and local perspective for each local trust area.

Launch: On Monday June 24th, 2019, after presenting to Trust Council, staff will launch the Island Visions 2100 engagement. This will include sending out a media release and follow up with key media, an all island subscriber notice, a dedicated page on our website with a pop-up from the home page, and through our social media platforms for both the Islands Trust and the Islands Trust Conservancy (Twitter, YouTube, and a planned new Facebook page). This campaign will be supported by advertising in local print media and strategic boosts to social media posts.

Throughout the engagement process, these social media platforms will lead individuals to information about the upcoming in-person engagements, as well as the online survey-based engagement process.

Video: During the launch period, the Trust will release two videos: **What is the Islands Trust?** and **What is your Vision for the islands in the Salish Sea** (which will act as an introduction to goals of the Policy Statement process). In addition to supporting dialogue, the videos will help build awareness about the Islands Trust and the work that we do.

Print: Brochures on both subjects – What is the Islands Trust and the Policy Statement review—will be made available to trustees and staff, along with posters of detailing upcoming island engagements and links to the Islands Trust website where they can connect to the online survey.

Social media: Staff will provide trustees with the appropriate information and tools to help spread the word on our social media platforms, which will help boost our new Facebook page.

Partnerships: Staff will reach out and collaborate with regional governments, local governments, community organizations, and educational intuitions to help spread the word.

Prizes: The Islands Trust will offer a range of prizes during the engagement process. We will provide some prizes during our online survey, in-person engagement events, and/or for youth who participate in

our art engagement at the markets/fairs. We will also offer door prizes at every in-person engagement to help spread the word. The prizes would range from \$5.00 to \$250.00. Some examples are ferry passes, local artwork and other local products from islands, and short trips depending on the engagement method.

Engagement Method

This plan includes multiple channels for engagement with the public, First Nations, referral agencies, and Trust Council. It includes a suite of tools that will be selected and applied as appropriate for each community/Nation.

First Nations and Organizations Engagement

First Nations engagement begins with Trust Council's Declaration on Reconciliation and making that visible and distributed out to community. The Declaration affirms the organization's commitment to Reconciliation and how the Trust will be moving forward. From that platform we will then begin re-engaging with First Nations within the consultation boundary of the Islands Trust Area. The engagement will consider the commitments within existing and planned protocol agreements with First Nations. Results from this re-engagement will determine which Nations we will develop more meaningful engagement with in the process of a dialogue about and reviewing the Policy Statement. Meaningful engagement will include the following suite of engagement option to be applied as appropriate and as desired by the individual Nations:

- Leadership government to government meetings to discuss core concerns;
- Community meetings with membership and leadership to talk about the Policy Statement and the vision for the future;
- Online interaction including surveys, newsletter notices, Facebook, letters to Chiefs and Councils;
- Meetings with alliances and First Nation associations such as First Nations Summit, BC Treaty Commission and Tribal Councils;
- Collaborate with schools and youth organizations.

There will be follow-up and building of relations. Staff will ensure that meetings held for purposes of relationship building are not classified as consultation on the Policy Statement. Staff will keep a record of each meeting and compile into an engagement record to provide to Ministry with the final bylaw after third reading.

Staff will collaboratively develop storyboard as an education component of Reconciliation for use at engagement events. Acknowledgement of place will be included as a central theme.

General Public and Island Resident Engagement

The engagement strategies for the general public and island residents will include educational materials and will be supported by prepared questions and a strongly facilitated process. All in-person events will be supported by companion online engagement opportunities (survey and e-mail).

Creating opportunities for meaningful engagement means building new communities and sparking people's imagination. Our goal is to create content that resonates enough that people personalize it and push it onto the other audiences. We want social media users to own the message we are trying to confirm with them. We will do this by encouraging them to personally consider: What are their Island Vision 2099?

There will be a suite of five different engagement options developed to be applied locally as appropriate, with decisions to be made in consultation with local trustees and in consideration of different island populations.

- Large-scale community drop-in and open space / world café events, featuring educational information boards;
- Vision Booth, featuring information boards set up at community events, markets, or other community driven event; this could also include making online content available through laptops or tablets;
- Online survey/e-mail feedback;
- Collaborating with schools/ youth organizations.

Each engagement channel will feature a data collection method, all of which will feed into a final report on the findings from the engagement process. During in person, large-scale community engagements, we will provide educational information boards and brochures that address the key themes and help explain the work of the Islands Trust. Each of these themes will also be supported by a short explainer video that provides the context and background, which will also be a part of our online education campaign. The online component will feature a survey and potential live-streaming of key meeting(s).

Our goal is to have in-person engagements within each of the thirteen island communities. Because each island community is different, our expectation is that the Island Vision 2099 process will have a different look in each local trust area, drawing on the different engagement options available. Working with trustees, we will identify which combination of engagements will work best in a particular local context. It is also expected that local trust areas with larger populations will receive a higher number of in-person engagements.

This process is also an opportunity for Islands Trust to pilot the use of different forms of engagement tools and methods and measure their effectiveness.

Below are identified 'options' streams which will run parallel to one another. First Nation and Alliances engagement will commence at the same time as the process designed to reach out to the general public and island residents

Engagement methods: the suite of options

The IAP2's Spectrum of Public Participation (see Appendix D) was designed to assist with the selection of the level of participation that defines the public's role in any public participation process as much as possible, within resources, we will strive to follow these guidelines for public engagement

In defining the different First Nations engagement options, it is acknowledged that some Nations might rather have Islands Trust build relationships with designated individuals and/or committees instead of with the wider community. This form of engagement, which is outlined below as option C, could be something that happens in its own right or as a precursor to a large-scale event that involves the rest of the community. In these instances, individuals and/or committees could support the implementation of a large-scale event hosted by both governments

General Public and Island Residents	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option A: Community drop-in and open space, featuring information boards that explore each of the major Visions 2099 themes.	Following IAP2 guidance on how to conduct healthy engagement processes, we host an open house first to featuring information boards that explore each of the major Visions 2099 themes, and then we would use world café forms of engagement. The goal through open house engagement is to help improve public understanding about a complex project to receive public input and provide information through information boards covering major themes. World Café engagement style would help foster meaningful discussion on questions pertaining to	To provide opportunities for members of the public and island residents a chance to participate in an interactive and dynamic way where we inform, consult, involve, collaborate and empower with them.	July – December 2019, Jan – March 2020	Trust Area Services staff, local trustees, Information Systems Coordinator, and Computer Applications Support Technician,	Upfront Cost - \$5,000.00, Individual Event - \$500.00 – \$2000.00

		these topic(s) among participants who otherwise would not listen, talk or share with one another.			
	Option B: Vision Booth	We will set up information booths, featuring local and regional information boards and access to the online survey during existing community events, markets, and/or other community driven events.	To target the general public as well as residents of the islands at existing events	July – December 2019	Trust Area Services staff, local trustees \$300.00 - \$500.00 per event
	Option C: On-line survey & dedicated email address	The main form of the online engagement will be survey-based. We would offer a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. The online information campaign will replicate the information that will be produced for the in-person engagements, so individuals can learn about the situation in their local context as well as the regional context. Because some individuals are more comfortable with emails than surveys, we will also provide a dedicated	To provide an inclusive opportunity for the general public and island residents to participate in the process, if they cannot attend in person participation. It is also an opportunity to gain input from wider communities outside of the Islands Trust Area.	July – December 2019, January – March 2020	Trust Area Services Staff, Information Systems Coordinator, and Computer Applications Support Technician \$4000.00

		“Visions2099@” email address where people can send in their idea. They can also send them through traditional mail as well			
	Option D: Collaborate with Schools/ Youth Organizations	We will provide opportunities to connect with students and youth with school classrooms and youth organizations. We would use a creative writing and/or art opportunities for youth to describe their vision of the islands. We would offer a prize.	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019	Trust Area Services Staff, \$500 - \$1000.00

First Nations and Alliances	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option E: Leadership government-to-government meetings	Leadership from Trust Council and leadership from a First Nation(s) meet to discuss core concerns. Each meeting takes place at a location convenient for First Nation leaders to attend.	To build relationship and discuss core concerns. If appropriate, support the provision of other ‘options’ for engagement to their membership	July 2019 — June 2021 and ongoing (Squamish mtg April 8)	CAO, Chair, Executive Committee, Trust Area Services Director and some Staff, possibly Trust Council	\$300.00 - \$500.00
	Option F: Community meetings with membership and leadership	A small-large scale lunch/dinner event where Islands Trust, in partnership with the Nation, provides opportunities for community members to share their core concerns of their territory, and their vision for the future.	For Islands Trust to build relationships with staff, leadership, and members of the community, Visions 2099 process and create opportunity to discuss their vision for the future and, if	July – December 2019	Trust Area Services Staff and local trustees	\$500.00 - \$2000.00

			appropriate, contribute to the Visions 2099 process.		
Option G: Face-to-face with staff	Meetings with staff, and/or committees to work on various topics: educational materials, visioning work as part of the Visions 2099 process as well as other core concerns and/or items of interest to the First Nation.	To communicate and engage with Nations in an accessible manner that is appropriate to the situation.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$200 - \$1000
Option H: Survey engagement	A social media campaign targeted at a variety of community members from different Nations across the Salish Sea. Using a variety of tools, including targeted advertising and prizes, the campaign would encourage participants to view our background materials and fill in a special survey. May also include printed material distributed through newsletters and on reserve.	To engage a range of First Nations members through online survey.	July – December 2019	Trust Area Services Staff	\$750.00 - \$1000.00
Option I: Meetings with alliances and First Nation associations	Islands Trust co-host an event with First Nation associations/alliances such as First Nations Summit, BC Treaty Commission, and Tribal Councils.	To connect with a range of First Nations all at once and build relationships with them. If appropriate, engage them with the issues of Visions 2099 and how they imagine the future.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$250.00 - \$5000.00

	Option J: Collaborate with Schools/ Youth Organizations	We connect with schools in community along with organizations that support youth to offer some opportunities for them to be heard and to be able to take action through various means (e.g. art work, writing, etc).	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019, January to March 2020	Trust Area Services staff	\$500.00 - \$1000.00
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Referral agencies	N/A	As required by provincial statutes: LTCs; First Nations; local, regional, provincial and federal government agencies will be sent referral letters inviting input on the draft amendments to the Policy Statement	To solicit feedback on the proposed amendments.	June – September 2021	Trust Area Services staff, Chair	\$1,000
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Risks and mitigation

There are risks with any project. Due to the nature of this project and the number of First Nations and stakeholders involved, there is substantial risk that the project plan will need to be amended to respond to emerging issues, communication/engagement requests or other developments. Staff will try to be nimble and responsive and will maintain a focus on the big-picture (e.g. Reconciliation as an overarching priority) and will bring forward recommendations to Executive Committee for project amendments as needed.

At this time the Islands Trust has established a level of engagement and relationship with First Nations within the Trust Area. However, when looking at the relationship over time, many Nations may view processes and engagement with the Trust with hesitation. Not only is there a level of jurisdictional scepticism but there is also a level of distrust that the mandate of the Trust applies to First Nations concerns. First Nations view government bodies such as municipal, district, regional, and city as not having their interests at the forefront of their policies and processes. They may feel the jurisdictional authority lies with the Province and that providing education on Reconciliation, rights and title, and treaty is not a valuable process to engage in.

It is staff's understanding that many Nations within the Island Trust Area continue to see a lack of consideration by the Islands Trust and other levels of government in relation to their cultural heritage, archaeological sites, land use and marine use planning, and use of cultural and spiritual areas for recreational use without engagement on impacts or accommodation. This raises questions for Nations about the willingness of the Island Trust to truly engage and create meaningful policy processes that are inclusive of their core concerns. At this time, it could be seen that the Islands Trust preserves and protects only the values of post-colonial interests.

Given this situation, it maybe difficult to create an effective engagement process that allows for meaningful understanding of core concerns and impacts. It may be difficult to receive responses that recognize the cumulative effects and policy infinitives that will impact Nations rights and title. Therefore, it will require that the Islands Trust continues to engage and sets out the processes in which it will regain the trust of First Nations and First Nations community without defined timelines. Interagency meetings may allow for more valuable interactions that provide informed recommendations for engagement, but processes will be highly dependent on walking the talk: to build trust all Islands Trust bodies need to make decisions and undertake reconciliation actions that result in tangible sustained changes that demonstrate sustained commitment over time.

There is also risk that referral agencies will not understand the Policy Statement or purpose of referral. It has been many years since Islands Trust referral agencies have had to consider changes to the Policy Statement. In addition, they may question why their input is being sought on the introduction and definition sections only, rather than the policies that they may be more familiar with. They may wish to request significant amendments that are outside the scope of the project. To mitigate these risks, staff will undertake an assessment and, as necessary, contact referral staff before the referral is sent to explain the project. Should there be requests for significant changes that are outside the scope of this

project, staff will explain that these requests will be considered in future phases and will work with Ministry of Municipal Affairs staff and the interagency working group to coordinate responses.. Staff will also draft a clear, easy-to understand, referral letter.



- Appendix A – Draft timeline (subject to change based on feedback and First Nation engagement processes)
- Appendix B – Budget
- Appendix C – Islands Trust Public Engagement Principles and Communication Objectives
- Appendix D – IAP2 Spectrum
- Appendix E – Reconciliation Declaration
- Appendix F – December 2018 Chair letter to Honourable Selina Robinson re Legislative change to the Islands Trust Act.
- Appendix G – Visions 2099 Project Charter

Appendices

Appendix A: Visions 2099 Engagement Strategy – Work Plan

Deliverables Detail

Phase 1 of the Islands Trust Policy Statement involves amending Part 1, Part II and definitions.

Deliverable / Milestone	Target Completion Date	Responsible
Approval of revised Project Charter	March 27, 2019	Executive Committee
Endorsement of Policy Statement Engagement Plan	March 27, 2019	Executive Committee
Review of Policy Statement Engagement Plan	May ?, 2019	Trust Programs Committee
Approval of Policy Statement Engagement Plan	June 5, 2019	Executive Committee
Launch Policy Statement Engagement Process	June 24, 2019	Trust Council/Chef
Launch on-line engagement	June 24, 2019	TAS Staff
Undertake in-community meetings in each local trust area	July to December 2019	TAS Staff
Bowen Island Municipality	July to October 2019 - TBA	TAS Staff
Denman LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gabiola LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Galiano LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gambier LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Hornby LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Lasqueti LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Mayne LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
North Pender/South Pender LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Salt Spring LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Saturna LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Thetis LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Undertake First Nations engagement	July to December 2019 and ongoing throughout	SIPA, CAO, Chair, Executive Committee, TAS Staff
Interim Report to Trust Council	December 2019	TAS Staff
Compilation of community and First Nations input report	December 2019	TAS Staff
Draft RFD with engagement analysis based on community and First Nations input, and recommendations to request staff draft bylaw	December to March 2020	TAS Staff
RFD to Trust Council with recommended ITPS amendments and request staff to draft bylaw	March 2020	
Trust Council – 1 st Reading of ITPS Amendment Bylaw	June 2020	
Referral of proposed bylaw to agencies and First Nations	June to September 2020	

Deliverable / Milestone	Target Completion Date	Responsible
Public Meeting (or on-line public review of the draft bylaw amendments)	June to September 2020	
RFD to Trust Council with summary of referrals and recommended amendments – if any	September 2020	
Trust Council consideration of 2 nd and Third Reading Reading	December 2020	
Submission to Minister for Approval	December 2020	
Final adoption by Trust Council (can be by RWM if not back in time for council meeting)	June 2021	

Appendix B: Budget

Preliminary estimates per activity are included above in the engagement methods section. A detailed budget will be developed prior to the launch of Visions 2099.

Item	Cost
Communication Materials	\$11,000
Legal review	\$4,000
FN engagement	\$20,000
Public engagement	\$25,000
Total activity costs:	\$60,000

Appendix C: Islands Trust Public Engagement Principles and Communications Objectives

(adopted by the Executive Committee, August 17, 2016)

“Good public participation results in better decisions” – [International Association for Public Participation](#).

Local trust committees and Trust Council make decisions about the islands in the Salish Sea that affect First Nations, the public and other stakeholders.

Effectively and consistently engaging with people affected by those decisions leads to good governance, better policies, durable decisions, reduced conflict and enhanced civic participation.

Successful public engagement is guided by well-defined and formalized principles that represent a promise to the public and stakeholder groups, help establish shared expectations and a shared vocabulary and improve the working relationship between elected officials, senior managers and staff.

The principles that follow are adapted from the Islands Trust Policy Statement, the Communications Policy 6.10.ii, in the Executive Committee Terms of Reference, observations from Trust Council roundtable discussions, staff survey and conversations, as well as the International Association of Public participation and best practices research in local government public engagement.

The principles will guide the communications and engagement initiatives and activities sponsored by Trust Council, local trust committees and within the organization.

Guiding Principles for public engagement at Islands Trust

Inclusive:

Those who are affected by an issue or decision should have an opportunity to influence outcomes and choices. Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard (Policy Statement)

Open and authentic:

Input of the public should play a role in the decision-making process. Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area (Policy Statement)

Respectful of First Nations:

To strengthen relationships with over 30 tribes and nations in the Trust Area, Trust Council will root all its engagement practices in the spirit of reconciliation. (In a separate RFD, staff are seeking direction from EC to develop a Project Charter and set of principles to inform a new organizational approach to First Nations' relationship-building. Once approved by EC and possibly TC, these principles would be incorporated into all correspondence and communication.)

Diverse:

Decisions are more durable when all participants are aware of the range of interests and needs of everyone involved, including decision makers, surrounding an issue or decision.

Accessible:

Everyone potentially affected by the process has an opportunity to become involved.

Appropriate:

The public engagement process uses one or more discussion formats to reach the identified participants and, where feasible, invites input into the design of the process.

Informed:

Those involved in engagement exercises have the information required to meaningfully participate in the process.

Transparent:

Participants are informed about how their contributions were considered, used and/or not used.

Adaptable:

Each public engagement process, along with the collected feedback, is evaluated so that lessons can be shared broadly and applied to future engagement efforts.

Communications Objectives

The following communications objectives will be realized using different strategies and will be updated regularly as appropriate.

1. Improve community and agency understanding and support of the Islands Trust (2014-2018 Strategic Plan – priority #9)
2. Improve community engagement and participation in Islands Trust work (2014-2018 Strategic Plan – priority #10)
3. Increase profile (visibility) of the Islands Trust within the Trust Area (e.g. increased presence at community events and going where the public is)
4. Create and maintain a positive (modern, consistent, uniform) image of the Islands Trust (e.g. graphic design standards, issues management and processes, revisit tag line – on EC agenda)
5. Prepare trustees and staff (planning and bylaw enforcement) – the face of the organization – to deliver consistent and co-ordinated messages to the public and stakeholders in a way that reflects the unique character and needs of each island and project.
6. Create ongoing opportunities to listen to public and stakeholder opinions and concerns and report back when appropriate (e.g. web comments handling, feedback line/channel, comment cards at offices, rotating weekly/monthly FAQs on web, at LTC meetings, etc.)

Appendix D: IAP2 Spectrum

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION					
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER	
PUBLIC PARTICIPATION GOAL					
PROMISE TO THE PUBLIC	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Appendix E: Reconciliation Declaration

The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

The Islands Trust Council will strive to create opportunities for knowledge sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.

Adopted: March 14, 2019 Trust Council on Gabriola Island

**Appendix F: December 2018 Chair letter to Honourable Selina Robinson re Legislative change to
the Islands Trust Act**



Islands Trust

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Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 18, 2018

File No.: 0110-20

via email: MAH.minister@gov.bc.ca

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Robinson:

Re: Request for legislative change

This request follows our January 23, 2018 meeting to discuss matters of importance to the Islands Trust Executive Committee, including potential legislative changes to the *Islands Trust Act* and other relevant legislation. At that time you requested a prioritized list of Act amendments that could form the basis for a review by Ministry and Islands Trust staff. I also understood from that discussion that it would be important that the Islands Trust ensure that it was fully utilizing its current authorities to achieve its preserve and protect mandate and that any proposed amendments to the Act would need to be demonstrably necessary.

We have taken that advice to heart and believe that we have identified realistic and achievable amendments to our primary legislation that will support the efforts of the Trust on behalf of all British Columbians. At their September 18, 2018 meeting Trust Council requested that I write to you asking for legislative change along three broad themes, as follows:

ENFORCEMENT AND ADMINISTRATION: Improvements to the Islands Trust's ability to enforce its current regulatory and legislative powers in support of the preserve and protect mandate of the Trust and its land use planning function. The Islands Trust does not have the same enforcement tools as other land use jurisdictions in British Columbia but is expected to provide a similar service. The recommended amendments are:

1. Allowance for entry warrants;
2. Development permit area enforcement via municipal ticketing;
3. Adoption of development approval information bylaws by local trust committees;
4. To enable the ability to charge fees for telecommunication applications.

MODERNIZATION: The *Islands Trust Act* has not been substantially amended in a number of years and there are areas that require updating in order for the organization to remain relevant. Recommended amendments are:

5. Amending the *Act* to add "First Nations" to the list of those with whom we work "in co-operation;"
6. The ability to delegate development permit and temporary use permits to staff;
7. Clarification of foreshore zoning authority and jurisdiction throughout the Trust Area;
8. In keeping with broader powers afforded regional districts, relative to S. 294 of the *Local Government Act*, to allow the Islands Trust entities, "incidental or conducive powers;"
9. To include reference to the ecosystem in section 8.2 of the *Islands Trust Act*.

ADVANCING THE MISSION OF THE ISLANDS TRUST: Diverse communities are a key element of Trust Council's vision for the Trust Area and relates to its current land use authority. Recommended amendments are:

10. Affordable Housing: to be able to enter into agreements with third parties to administer affordable housing, to be able to operate a housing service, and for local trust committees to be able to acquire and dispose of land.

(Appendix A attached provides a brief rationale and implementation requirement for each of the above amendments)

These amendments vary in terms of the difficulty or complexity of implementation with, in our minds, the foreshore jurisdiction and affordable housing service amendments being the most complicated and in need of a cooperative approach.

We would sincerely appreciate your Ministry's feedback on this proposal and how it could be achieved. We are hopeful that you will be able to dedicate some Ministry staff time in order to work with us on developing a defensible and modern update to the *Islands Trust Act*. Of course, we also wish to understand your priorities and if they can be realized through this work. Trust Council considers that this is an important opportunity for the Islands Trust, and the region, and we wish to work with you to implement reasonable change.

A topic as important as legislative change to the *Islands Trust Act* will require public engagement and I would appreciate collaboration with the Ministry on how it would foresee an appropriate process. Undoubtedly full and authentic public engagement will generate additional suggestions for legislative changes from the community itself. We are mindful that Island communities are participatory, feel their future is vested in the Trust and want to contribute to that future.

In closing, I note that Bill 52, : *Agricultural Land Commission Act 2018* has passed into legislation and I am struck by the symmetry of how the Islands Trust and the Agricultural Land Reserve, born of a certain era in BC politics, have stood the test of time. We believe it is time that the *Islands Trust Act* is given appropriate and similar attention.

Of course, if it would be convenient to you or beneficial to this request, we are happy to meet with you at your convenience.

With appreciation,



Peter Luckham, Chair
Islands Trust Council

cc:	Islands Trust Area MPs Islands Trust MLAs Islands Trust Electoral Area Directors Assistant Deputy Minister Faganello BOḰEĆEN (Pauquachin) First Nation Cowichan Tribes Halalt First Nation Homalco First Nation Klahoose First Nation K'ómoks First Nation Lake Cowichan First Nation Lekwungen (Songhees) Nation Lyackson First Nation MÁLEXEŁ (Malahat) Nation Penelakut Tribe Qualicum First Nation Scia'new (Beecher Bay) First Nation SEMYOME (Semiahmoo) First Nation shíshálh First Nation	Snuneymuxw First Nation Skwxwú7mesh (Squamish) Nation Snaw-naw-as (Nanoose) First Nation STÁUTW (Tsawout) First Nation Stz'uminus First Nation SXIMÉŁEŁ (Esquimalt) Nation Tla'amin (Sliammon) Nation Tsawwassen First Nation Tsleil-Waututh Nation T'Sou-ke Nation Wei Wai Kum (Campbell River) First Nation We Wai Kai (Cape Mudge) First Nation WJOŁEŁP (Tsartlip) First Nation WSIḴEM (Tseycum) First Nation xʷməθkʷəy̓əm Musqueam Bowen Island Municipal Council Islands Trust Council Islands Trust website
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Appendix A

Summary of potential amendments to the

Islands Trust Act, 2018

ENFORCEMENT AND ADMINISTRATION AMENDMENTS

<p>1. Allowance for Entry Warrants</p> <p>Implementation</p> <ul style="list-style-type: none"> i. Amend Section 28 (1.1) of the <i>Local Government Act</i> to add “Islands Trust”. ii. Staff training and administrative training would be required. Actual bylaw enforcement procedures would require some change management process to ensure appropriate use. iii. There does not seem to be any cogent policy reason for excluding s. 424 of the <i>Local Government Act</i> (entry warrants) from the bundle of enforcement powers conferred on local trust committees. With this amendment of s. 28(1.1) of the <i>Islands Trust Act</i>, Division 1 of Part 12 of the <i>Local Government Act</i> including s. 424 would apply to the local trust committees and s. 424 in turn applies s. 275 of the Community Charter. Section 275 enables a justice to issue an entry warrant if satisfied that access to property is necessary for the purposes of the <i>Local Government Act</i>, which is the source of the enforcement powers that are conferred on local trust committees by s. 28(1.1) of the <i>Islands Trust Act</i>, in connection with which an entry warrant would be sought. 	<p>S. 28(1.1) of the <i>Local Government Act</i> is applicable to Regional Districts but not the Islands Trust. This authority should not be excluded from Islands Trust/local trust committees and the lack of authority impacts delivery of enforcement of land use planning decisions.</p>
<p>2. Development Permit Area Enforcement Using Tickets</p> <p>Implementation</p> <ul style="list-style-type: none"> i. Pilot project in the Islands Trust Area – by conferring additional enforcement powers by regulation under Section 54(2) of the <i>Islands Trust Act</i>. ii. Add to s. 28 a section to the effect that under s. 264 of the Community Charter, applicable to local trust committees under s. 414 of the <i>Local Government Act</i> and s. 28(1.1) of the <i>Islands Trust Act</i>, a local trust committee may also designate ss. 489 and 501(2) of the <i>Local Government Act</i> for the purposes of s. 264. Section 489 is the section of the <i>Local Government Act</i> that prohibits subdivision, etc. in a development permit area if a development permit hasn’t been obtained. Section 501(2) is the section that requires land to be developed strictly in accordance with the permit. <p>There are currently no jurisdictions that have the authority to issue tickets for development permit</p>	<p>The use of ticketing to support the administration and delivery of a robust development permit authority would be the preferred outcome. The Trust has made this request of the Ministry in the past, most recently in 2016.</p>

violations, so the Islands Trust would be joining municipalities and Regional Districts in requesting this change. While this authority would be useful to all local governments, it is particularly relevant for an entity with a statutory mandate to “preserve and protect” an area of the province that is environmentally sensitive, since the key land use management tools in relation to environmental protection are development permit area designations and development permit conditions. However, allowing local governments to ticket for an offence against a provincial statute is a novel idea.

The Ministry may want to consider proposing this amendment as a “pilot project” for the Islands Trust only, following the evaluation of which the Province might consider extending the authority to municipalities and regional districts, and offering to partner with the Province in monitoring and evaluating the enforcement approach. This additional authority could be conferred on the local trust committees by Cabinet order under s. 54(2) of the *Islands Trust Act* on a pilot project basis.

<p>3. Adoption of Development Approval Information Bylaws by local trust committees (LTC)</p> <p>Implementation</p> <ul style="list-style-type: none"> i. Amend <i>Islands Trust Act</i> by repealing s.29(3.1) <p>Amendment of s. 29(3.1) of the <i>Local Government Act</i> is required. Implementation by the Islands Trust would be relatively easy, would simplify the process and would reduce staff/administrative time.</p>	<p>Mainly an administrative improvement, this amendment would increase the efficiency and independent ability of LTCs to administer their areas. This should reduce wait times for applicants.</p>
<p>4. For the Islands Trust to obtain the authority to charge a fee for telecommunications applications</p> <p>Implementation (to be determined)</p> <p>The Ministry of Innovation, Science and Economic Development Canada (ISED) has jurisdiction over telecommunications. ISED looks for the relevant land use authority to issue a letter of concurrence, the production of which requires a public process.</p> <p>Section 462 of the <i>Local Government Act</i> restricts the ability for local trust committees to charge fees. The <i>Islands Trust Act</i> limits the Islands Trust to only proscribe fees associated with its land use authority. We would request assistance from the Ministry to find a means for the Islands Trust to charge a fee for such an occurrence as is described.</p>	<p>A fee structure and process is needed to allow thorough review of antenna and telecom infrastructure applications.</p>

MODERNIZATION

<p>5. Support in principle for amending the <i>Islands Trust Act</i> to add "First Nations" to the list of those with whom we work "in co-operation"</p>	<p>This amendment is both timely and appropriate with the focus of Trust Council on principles of reconciliation and the adoption of a First Nations Engagement Plan.</p>
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Implementation

- i. amendment to the *Islands Trust Act*, Part 2, Section 9 to add First Nations.
- ii. amendment to *Islands Trust Act*, Part 3 to add “First Nations”

This request was made to the Ministry in 2015. It would not be a significant challenge for the Islands Trust to implement. An amendment to Part 2 section 9 ‘Coordination agreements with other government bodies’ would enable the Trust Council and its delegates to enter into coordination agreements with First Nations and this seems uncontroversial.

**6. Development Permit and Temporary Use
Permit delegation to Staff**

Unlike other jurisdictions in BC with land use authority, the Islands Trust does not have the ability to delegate via bylaw the authority to staff to issue development permits.

Implementation

- i. Amend Section 29 of the *Islands Trust Act* to enable local trust committees to delegate, by bylaw, the issuance of development permits and development variance permits, subject to the right of the applicant to have the local trust committee reconsider the matter without charge and to the local trust committee, in its procedures bylaw enacted under s. 460 of the LGA, establishing reconsideration procedures.

Each LTC would decide on whether or not to delegate issuance of development permits. This would reduce wait times, simplify the application process and reduce administrative costs. As development permits are issued based upon guidelines in the OCP or LUB, which are approved by LTCs, there is relatively little discretion afforded staff in issuing a permit. Implementation from an operating perspective would be straight forward once the delegation bylaws were adopted.

7. Clarification of foreshore zoning authority

There are jurisdictional inconsistencies with how foreshore zoning is administered with regard Regional Districts throughout the Trust Area. This matter is long standing and is a function of language and mapping in the *Islands Trust Act* and the Islands Trust Regulation.

Implementation (to be determined)

Clarification on this matter would support consistency in interpretation and aid in working with other jurisdictions that have foreshore zoning powers. Implications of implementation of any potential changes are undetermined. Engaging in discussions with the Ministry on this issue would require dedicated staff time and legal analysis.

The matter is sensitive since it potentially affects the enforcement of Islands Trust and regional district bylaws throughout the water areas within the trust area, where some of the most controversial land use issues tend to arise. Jurisdiction should not be controversial in relation to either the foreshore areas immediately adjacent to the various Gulf Islands or the estuary areas immediately adjacent to the upland areas of the regional districts, because effective land use management in either case has to include jurisdiction over immediately adjacent water area. However, a dividing line between jurisdictions has to be established somewhere, and there may be legitimate differences of opinion on where it should be.

<p>8. Add language to <i>Islands Trust Act</i> similar to <i>Local Government Act</i>, s. 294, allowing for “incidental or conducive powers.”</p>	<p>A minor broadening of corporate power, similar to what Regional Districts have, would allow the Trust to undertake some supportive actions in support of the mandate of Trust.</p>
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Implementation

- i. Amend Section 4 of the *Islands Trust Act* by adding “The Trust Council, the executive committee, and the local trust committees have all the necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred by this or any other enactment.”

This power is not a full ‘corporate person power;’ rather it would provide a backstop to a given jurisdictional issue or challenge. Some recommended language would be something like:

“the Local Trust Committee and, the Executive Committee, have all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty, or function conferred on them by this or any other enactment.”

There is no logical reason that Islands Trust entities exercising exactly the same type of regulatory authority as other land use regulators should not have access to the same complementary authority to do things that are “incidental and conducive” to the exercise of their land use management authority. The wording of s. 294 makes the scope of these complementary powers exactly coterminous with the scope of the basic powers that have otherwise been conferred, so there is no substantive expansion of jurisdiction or authority and this should not be controversial.

<p>9. Include reference to the ecosystem in section 8.2 of the <i>Islands Trust Act</i></p>	<p>8.2 (f) and (h) of the ITA allows for ‘support and give financial assistance to activities referenced to in paragraphs (f) and (g) that are undertaken by others. This section seems to all LTCs to fund heritage and history related activities but does not include “environment or ecosystem.”</p>
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Implementation

- i. Amend s. 8(2)(f) of the *Islands Trust Act* to “amenities, environment, history and heritage”

Clarity is sought as to whether LTCs can allocate funds for environmental activities undertaken by others, in a similar fashion to history and heritage conservation. We recommend amending “history and heritage” in

two places in 8(2)(f) to “amenities, environment, history and heritage”. Amenities and environment are the terms used in the object statement in s. 3 of the Act.

ADVANCING THE MISSION OF THE ISLANDS TRUST

10. Affordable Housing and Housing service amendments	The Islands Trust has limited ability to provide affordable housing initiatives to communities and is reliant on Regional Districts to establish and deliver affordable housing services, in cooperation with the Trust. Increased authority in this area would be in keeping with both a key vision element of Trust Council and its strategic plan.
Implementation	
<ul style="list-style-type: none">i. Amendments to confer the powers of a regional district board that would be required to establish and operate a non-profit housing service, including the authority to acquire and dispose of land and interests in land <p>The Islands Trust would seek to be able to hold land for the purposes of affordable housing. We would seek to cooperate with relevant Regional Districts but also provide this service if a given Regional District does not provide a satisfactory service. Desired changes:</p> <ul style="list-style-type: none">a) To be able to enter into agreements with third parties to administer affordable housing.b) To be able to operate a housing service.c) Local Trust Committees be able to acquire and dispose of land.	



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality March 2019

Local Trust Committee Referrals

The ITC Board considered two local trust committee referrals regarding development proposals on two properties adjacent to ITC Nature Reserves on Salt Spring and North Pender Islands. Read the details in the Island-by-Island Activities.

Standards and Practices for Land Trusts

The ITC Board received a comparison report about the revised Canadian Land Trust Alliance Standards and Practices. While the Islands Trust Conservancy meets the majority of recommended standards, there will be further work done to ensure it fulfills all relevant recommendations.

ITC Board Fund Development Advisory Committee

The ITC Board Fund Development Advisory Committee met for the first time since forming in a special closed meeting after the regular closed and open March 26 ITC Board meetings.

Islands Trust Reconciliation Declaration

The ITC Board discussed options for endorsement or participation in the Islands Trust Reconciliation Declaration.

Summary of Current Island-by-Island Activities

The ITC continues to work on management plans for eight nature reserves on Thetis (1), Gambier (3) and Denman (4) Islands and received forage fish habitat mapping for Sidney and James Islands.

Denman

The ITC Board received a briefing on the Comox Valley Regional District Engagement with First Nations in relation to a request from the Cowichan Valley Regional District to allow a segment of the Denman Cross Island Trail to cross the Lindsay Dickson Nature Reserve.

Management planning for the Valens Brook Nature Reserve, including the recent addition, is under way. Invasive species removal and trail clearing, sign installation, and tree protection for forest restoration continue at Inner Island, Lindsay Dickson, and Morrison Marsh Nature Reserves on Denman. New ten-year management plans for these three nature reserves will be completed in 2019.

Gabriola

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and additional minor trail improvements are planned for 2019.

Galiano

The ITC received a report from the Habitat Acquisition Trust that approximately 30 m³ of Scotch broom was removed from the bluffs at Trincomali Nature Sanctuary by volunteers in October 2018. Improved signage for the trail in Vanilla Leaf Land Nature Reserve is planned for 2019.

Gambier

Management planning for three Gambier Island Nature Reserves (Brigade Bluffs, Long Bay Wetland, Mount Artaban) continues.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) have met the fundraising goal for the Salish View acquisition campaign. Staff are continuing working to finalize the land transfer. Once the land transfer is complete, public consultation and management planning will begin.

North Pender

The ITC Board discussed a referral from the North Pender Island Local Trust Committee for Bylaw No. 220. The subject property for the bylaw is adjacent to the Medicine Beach Nature Sanctuary. The ITC Board noted concerns about the effects of light pollution on many animal species, including bats, and concerns about storage of toxic materials on the site. Staff provided the ITC Board response to the local trust committee and followed up with planning staff regarding best management practices for external lighting and wildlife.

Salt Spring

The ITC Board considered a referral from Salt Spring Island planning staff regarding a Development Variance Permit for lands adjacent to the Lower Mount Erskine Nature Reserve. The ITC Board indicated that its interests are not significantly impacted and directed staff to work with the Salt Spring Island Planner to follow up with the landowner to provide information regarding conservation options to provide a natural buffer for the Nature Reserve.

Thetis

The ITC is assisting the Thetis Island Nature Conservancy and the Cowichan Community Land Trust with an application for funding for a trail and kiosk on Fairyslipper Forest Nature Reserve. The ITC continues to work on management plans for recent acquisitions on Thetis Island, including archaeological work and communications with the Penelakut Tribe regarding cultural values on the lands. ITC staff plan to install signage informing the public of Thetis Island nature reserve boundaries in 2019.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.1	Peter Mason Land Surveying Planner: Jaime Dubyna	12-Jan-2018	PID: 023-773-260 Subdivision Civic address: 1150 Central Road, Hornby Island, BC

Planning Status**Status Date:** 05-Apr-2019

Homesite Severance memorandum to LTC for information.

Status Date: 28-Mar-2019

ALC decision received: Subdivision refused as proposed. Alternative proposal approved (subdivision under Homesite Severance policy), subject to completion of conditions.

Status Date: 27-Sep-2018

Application forwarded to the ALC.

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

Planner: Bronwyn Sawyer**Planning Status****Status Date:** 07-Mar-2019

ALC decision received - Refused

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 03-Aug-2018

LTC consideration of application

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.3	MATTHEW R FREDBECK	15-Aug-2018	PID: 005-575-170 Wants parking on grass surface (no paving) for customers. Civic address: 6260 Bond Rd, Hornby Island, BC V0R 1Z0



Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-Oct-2018

Planner gave file to Planning Team Assistant to forward application to ALC.

Status Date: 28-Sep-2018

HO LTC passed resolution to forward the application to the ALC with the LTC's comments.

Development Permit

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

Planner: Jaime Dubyna

Planning Status

Status Date: 01-Apr-2019

Revised Draft Plans submitted. Proposed location changed to neighbouring lot.

Status Date: 04-Feb-2019

No change in status.

Status Date: 05-Nov-2018

File transferred to Planner JD.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2018.1	MATTHEW R FREDBECK	21-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 25-Jan-2019

Site visit.

Status Date: 13-Sep-2018

No change in status.

**Applications****Status Date:** 28-May-2018

Waiting for info from applicant.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.1	Hornby Island Fire Hall (FLNR & CVRD)	08-Feb-2019	Comox Valley Regional District (Crown Prov) Crown Grant License 114434; CL file 1413862 New training centre using 3x40' shipping containers and 2x20' shipping containers.

Planner: Jaime Dubyna**Planning Status****Status Date:** 19-Mar-2019

Applicant submitted copy of site plan that includes proposed BC Hydro equipment storage, upon the request by planner.

Status Date: 18-Mar-2019

Planner requested copy of site plan that includes proposed BC Hydro equipment storage.

Status Date: 14-Mar-2019

Planner reviewing file.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.3	Hoerburger Land Surveying	09-Jun-2017	PID: 027-126-323, 009-651-268, 009-651-110 Civic address: 4555 and 4755 Fowler Road, Hornby Island Consolidation of 3 lots into 2 larger lots to support agricultural operation.

Planner: Bronwyn Sawyer**Planning Status****Status Date:** 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending result of HO-ALR-2018.2

Status Date: 31-Jan-2018

Waiting on applicants to advise on how they would like to proceed (proposal may change)



Applications

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2018.1	MATTHEW R FREDBECK	26-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island. Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Sep-2018
No change in status.

Status Date: 28-May-2018
Waiting for info from applicant.

Status Date: 10-Apr-2018
Planner reviewing application.

Rezoning

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

Planning Status

Status Date: 13-Sep-2018
No change in status.

Status Date: 12-Sep-2018
File transferred to Planner TR

Status Date: 27-Apr-2018
LTC consideration and resolution to put on hold pending minor technical amendments to LUB

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
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**Applications**

HO-SUP-2018.12 Hornby Island Fire Hall 31-Jul-2018

Comox Valley Regional District (Crown Prov)
Crown Grant License 114434 CL file 1413862
New training centre using 3x40' shipping containers and 2x20' shipping containers

Planner: Jaime Dubyna**Planning Status****Status Date:** 11-Oct-2018

Property within DPA 2, requires development permit. Applicant will be submitting DP application.

Status Date: 17-Sep-2018

Planner reviewing application.

Status Date: 12-Sep-2018

File transferred to Planner Dubyna.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.7	BULMER, Grant	04-May-2018	PID: 003-125-777 Building single family dwelling Civic address: 6570 Anderson Road, Hornby Island, BC

Planner: Jaime Dubyna**Planning Status****Status Date:** 13-Feb-2019

Planner reviewed revised plans. Planner noted to applicant that the total floor area of proposed residential building exceeds 150 m² permitted in the R1(a) zone. Applicant advised planner that they intend to include a rain water catchment and storage system. Section 8.1.8 of the LUB permits a floor area of 200 m² in the R1(a) zone, '...if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot...'

Status Date: 08-Feb-2019

Amended site plan received. Plans show proposed studio and proposed single family dwelling.

Status Date: 24-Jan-2019

Planner requested amended plans indicating proposed height of building meets LUB regulation 3.4.2.

File Number	Applicant Name	Date Received	Purpose
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**Applications**

HO-SUP-2019.1 Board of School 04-Feb-2019 PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road,
Trustees of School
District No. 71 (Comox
Valley)
Planner: Bronwyn Sawyer

Planning Status**Status Date:**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.3	Woodward, Brian	29-Mar-2019	PID: 003-531-279 Addition to vacation home. Civic address: 3300 Harwood Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status**Status Date:**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.4	Harrison, Sean	06-May-2019	

Planner: Ian Cox

Planning Status**Status Date:**

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.5	Taylor, Robert & Naomi	02-May-2019	PID: 001-201-425 CIVIC ADDRESS: 5005 FOWLER ROAD, HORNBY ISLAND, BC New workshop/storage

Planner: Ian Cox

Planning Status**Status Date:**



Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerburger Land Surveying	16-Nov-2016	PIDs: 027-126-323; 009-651-110; 009-651-268. Road closure application. Subdivision to adjust lot lines to follow, via MoTI referral. Civic: 4555 and 4755 Fowler Road, Hornby Island, BC.
Planner: Bronwyn Sawyer			
Planning Status			
Status Date: 12-Sep-2018 Application transferred to Planner Dubyna.			
Status Date: 15-Aug-2018 On hold pending outcome of HO-ALR-2018.2 and HO-DVP-2017.3			
Status Date: 31-Jan-2018 DVP application received. Subdivision file being held in abeyance.			
File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.2	BENJAMIN T LONES	28-Apr-2017	PID: 002-747-774 2 lot subdivision. Civic address: 4685 Central Road, Hornby Island.
Planner: Bronwyn Sawyer			
Planning Status			
Status Date: 24-Oct-2018 Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.			
Status Date: 12-Sep-2018 File transferred to Planner TR			
Status Date: 08-Jun-2017 Referral response sent to MOTI			
File Number	Applicant Name	Date Received	Purpose

**Applications**

HO-SUB-2018.1 McElhanney 13-Dec-2018 PID: 026-100-932 Two lot subdivision Civic address: 3750 Euston Road,
Associates Land
Surveying
Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-Jan-2019

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

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2018.1	Titcomb, Greg	20-Apr-2018	PID: 000-081-973 Seasonal juice production next to fruit stand. Civic address: 6060 Central Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 09-May-2019

Planner requested update from applicant regarding confirmation from the ALC.

Status Date: 14-Mar-2019

Applicant awaiting confirmation from ALC.

Status Date: 12-Mar-2019

Planner requested update from applicant.

Islands Trust
 LTC EXP SUMMARY REPORT F2019
 Invoices posted to Month ending March 2019

635 Hornby	Invoices posted to Month ending March 2019	Budget	Spent	Balance
65000-635	LTC "Trustee Expenses"	750.00	218.94	531.06
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,750.00	2,157.80	592.20
65210-635	LTC - Local Exp - APC Meeting Expenses	500.00	80.00	420.00
65220-635	LTC - Local Exp - Communications	250.00	505.32	-255.32
65230-635	LTC - Local Exp - Special Projects	500.00	267.73	232.27
TOTAL LTC Local Expense		4,000.00	3,010.85	989.15
Projects				
73001-635-4067	Hornby First Nations Relations	500.00	160.18	339.82
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	750.00	0.00	750.00
TOTAL Project Expenses		1,250.00	160.18	1,089.82

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	Enforcement actions against three specific properties for unlawful dwellings	<p>It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution:</p> <ol style="list-style-type: none"> 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: <ol style="list-style-type: none"> a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	<p>HO-2018-044 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.

				<ul style="list-style-type: none"> • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	<p>HO-2019-007 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”</p>



Top Priorities Report

Hornby Island

1. Land Use Bylaw Amendments	Responsible	Dates
A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, and other housekeeping amendments	Jaime Dubyna	Rec'd: 27-Apr-2018
2. Watershed Protection and Groundwater Preservation	Responsible	Dates
Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation	Ann Kjerulf William Shulba	Rec'd: 08-Jun-2018
3. Vacation Home Rental Community Education and Bylaw Compliance Campaign	Responsible	Dates
Implement the Project Charter for the education and compliance campaign.	Ann Kjerulf Miles Drew	Rec'd: 27-Apr-2018 Target: 01-Jan-2019



Projects Report

Hornby Island

	Responsible	Date Received
1. Ford Cove Consultation Conduct a consultative process for the Ford Cove area		
2. Public Use area planning Support collaborative planning process for Public Use areas		27-Mar-2015
3. Marine Protection Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection		28-Sep-2018
4. Improving Bylaw Compliance Explore with the community and staff, approaches to improving Bylaw compliance		28-Sep-2018
5. Ecosystem Protection Consider potential utilization of the Regional Conservation Plan.		28-Sep-2018
6. Addressing Climate Change Review measures to address climate change including through implementation of OCP policies		28-Sep-2018



Projects Report

Hornby Island

7. Addressing housing needs	Responsible	Date Received
A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.		25-Jan-2019
8. Implementation of Coastal Douglas-fir Toolkit	Responsible	Date Received
		25-Jan-2019