



A NOTICE OF A BUSINESS MEETING OF **THE HORNBY ISLAND LOCAL TRUST COMMITTEE**
to be held at 12:30 PM on Friday, September 21, 2012
New Horizons, 1765 Sollans Road, Hornby Island, BC

AGENDA

		Page No.	Approx. Time
1.	CALL TO ORDER		12:30 pm
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Meeting Minutes dated July 6, 2012 – <i>for adoption</i>	1-6	
3.2	Local Trust Committee Special Meeting Minutes dated August 12, 2012 – <i>for adoption</i>	7-13	
3.3	Section 26 Resolutions Without Meeting Log dated September 10, 2012 - <i>attached</i>	14	
3.4	Hornby Island Advisory Planning Commission Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated September 10, 2012 – <i>attached</i>	15-16	12:45 pm
5.	CORRESPONDENCE <i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
6.	TRUSTEES’ REPORT		
7.	CHAIR’S REPORT		
8.	DELEGATIONS		
9.	TOWN HALL SESSION		1:00 pm
10.	APPLICATIONS AND PERMITS		1:10 pm
10.1	HO-DVP-2012.3 (Krell - 4330 Central Road) Development Variance Permit Application to reduce the Lot Frontage Requirement for Subdivision Staff Report dated July 31, 2012 - <i>attached</i>	17-24	

11.	LOCAL TRUST COMMITTEE PROJECTS	1:30 pm
11.1	HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review)	
11.1.1	Staff Report dated September 4, 2012 - <i>attached</i>	25-28
11.1.2	Compilation of Correspondence to September 5, 2012 - <i>attached</i>	29-44
11.2	HO-RZ-2012.1 (Vacation Home Rental Regulation) Communications Strategy – <i>for discussion</i>	
12.	REPORTS	3:00 pm
12.1	Work Program Reports	
	Top Priorities and Projects List Report dated September 10, 2012 - <i>attached</i>	45-46
12.2	Applications Log	
	Report dated September 10, 2012 - <i>attached</i>	47-49
12.3	Trustee and Local Expenses	
	12.3.1 Expenses posted to July 31, 2012 - <i>attached</i>	50
	12.3.2 Expenses posted to August 31, 2012 - <i>attached</i>	51
13.	NEW BUSINESS	
13.1	Islands Trust Fund Board Referral Briefing and Five Year Plan - <i>attached</i>	52-67
13.2	Special Occasion Licences Memorandum dated August 31, 2012 - <i>attached</i>	68-88
13.3	Local Trust Committee Meeting Dates for October and November 2012 – <i>for discussion</i>	
13.4	Local Trust Committee Meeting Dates for 2013 Memorandum dated September 10, 2012 – <i>for discussion</i>	89
14.	BYLAWS	
15.	ISLANDS TRUST WEBSITE	
15.1	Hornby Page - <i>attached</i>	90-92
16.	NEXT BUSINESS MEETING DATE	
	- <i>To be determined</i>	
17.	ADJOURNMENT	4:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:30 PM ON FRIDAY, JULY 6, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<u>PRESENT:</u>	David Graham	Chair
	Alex Allen	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Vicky Bockman	Recorder

There was one (1) member of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:30 pm. He welcomed the public and introduced himself, the Local Trustees, Island Planner and Recorder. He acknowledged that the meeting is being held in traditional Coast Salish territory.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.1.7 Letter dated June 22, 2012 from Rosemary Nixon
- Add item 10.1.8 Letter dated June 28, 2012 from Don Nixon
- Add item 10.1.9 Letter dated July 5, 2012 from Wendy and Jerry Edwards
- Add item 10.1.10 Petition from Hornby Residents
- Add item 13.1 Smart Meter Consultation Discussion

3. MINUTES

3.1 *Local Trust Committee Special Meeting Minutes dated June 1, 2012*

The minutes were adopted by consensus.

3.2 *Local Trust Committee Meeting Minutes dated June 1, 2012*

The minutes were adopted by consensus with the following amendment:

- Page 11, item 10.2, heading: change "Resorts" to "Resort"

3.3 *Section 26 Resolutions Without Meeting*

There were no resolutions without meeting to report.

3.4 *Hornby Island Advisory Planning Commission Minutes with Recommendation dated June 11, 2012*

This item was considered later in the agenda at item 10.1.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated June 27, 2012

Planner Zupanec provided an update on the status of the Official Community Plan review project. Discussion followed on timing of the review of the draft and options for communication of the changes to the community. The annual summer residents' meeting was proposed as one opportunity for discussion and a date and time was suggested for that meeting.

HO-039-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee hold a Special Meeting on Sunday, August 12, 2012 at 11:00 am.

CARRIED

5. CORRESPONDENCE

There was no correspondence.

6. TRUSTEES' REPORT

Trustee Allen reported on his attendance at the Trust Council meeting in June on North Pender Island which included a presentation by Chief Robert Joseph on consulting with First Nations, the sharing of common issues with San Juan representatives and the Trust Policy Statement review. He noted that he has posters which will be displayed regarding the draft Trust Policy Statement.

Trustee Law reported on a BC Ferries meeting and open house held on Denman Island regarding the proposed Cable Ferry which included information regarding the timing of the recommendations and decision on whether or not to proceed with the Cable Ferry. He advised that he has written a letter to Mike Corrigan, CEO of BC Ferries, requesting that they delay a decision until the BC government has completed the process of public community engagement on coastal ferry services. Trustee Law explained the two stages and possible timing of the provincial community engagement process. He also reported that the Kalokhe, the regular Hornby ferry, is scheduled to return to service on July 31, 2012.

7. CHAIR'S REPORT

Chair Graham reported that the Islands Trust Council is seeking input on strategic priorities. He advised that there is a full spectrum of ways for people to provide their feedback on the proposed Strategic Plan including links on the Islands Trust website. Methods of communicating this information to the community were discussed and it

was agreed that a collaborative approach including articles encouraging participation of residents of both Hornby and Denman Islands would be effective.

8. **DELEGATIONS**

There were no delegations.

9. **TOWN HALL SESSION**

There were no requests for Town Hall Session.

10. **APPLICATIONS AND PERMITS**

10.1 *HO-DP-2011.1 and HO-DVP-2012.2 (Hornby Island Resort)
Staff Report dated May 14, 2012*

Planner Zupanec reported that there were no changes to the staff report dated May 14, 2012 as previously presented. She outlined the options available to the Local Trust Committee in considering the applications.

The Advisory Planning Commission minutes with recommendations dated June 11, 2012 were reviewed. The possible process and costs resulting from a decision to follow the recommendations were discussed. The Trustees expressed comfort with the setback variance recommendation and discussion followed on the height variance requested.

Trustee Allen noted that correspondence received indicates that people want the pub however are concerned with the height variance requested.

Trustee Law stated that he supports the recommendation of the Advisory Planning Commission that the maximum height restriction be 7 meters which is the allowable limit within 100 meters of the ocean.

Chair Graham invited the applicant to address the possibility of incurring additional expense if the requested height variance is not approved.

John Ross, the applicant, advised that the buildings could be lowered without changing the footprint of the project although there would be significant cost involved to revising the plans and application if necessary. He emphasized that only one Hornby resident would be affected by the height issue and noted that other immediate neighbours have no objection to the height. He addressed the concern that a height variance might set a precedent by noting that this project has always been site specific and as such should not affect subsequent applications.

Trustee Law confirmed that each variance permit application is considered on its own merits. He added that the Advisory Planning Commission reviewed the variances requested in order to give a community perspective on the issues.

It was noted that subsequent to the discussion heard today, the applicant may choose to consider alternative options to pursue and deferring consideration of the Development Variance Permit application was discussed.

HO-040-2012

It was **MOVED** and **SECONDED** that consideration of Development Variance Permit HO-DVP-2012.2 be deferred to the September meeting.

CARRIED

- 10.1.1 Letter dated June 2, 2012 from Michele Easterly*
- 10.1.2 Letter dated June 8, 2012 from Karen Ross*
- 10.1.3 Letter dated June 11, 2012 from Jacquelin Ross*
- 10.1.4 Letter dated June 20, 2012 from Ron Nessman*
- 10.1.5 Email dated June 18, 2012 from Patrick Healey*
- 10.1.6 Email dated June 22, 2012 from Peter Grant*
- 10.1.7 Letter dated June 22, 2012 from Rosemary Nixon*
- 10.1.8 Letter dated June 28, 2012 from Don Nixon*
- 10.1.9 Letter dated July 5, 2012 from Wendy and Jerry Edwards*

The above letters were received.

10.1.10 Petition from Hornby Residents

The petition was received.

11. LOCAL TRUST COMMITTEE PROJECTS

There were no Local Trust Committee projects for consideration.

12. REPORTS

*12.1 Work Program Reports
Top Priorities and Projects List Report dated June 27, 2012*

The Top Priorities and Projects List report was reviewed and Planner Zupanec responded to questions that arose. She reported that an informational fact sheet about the Riparian Areas Regulation that relates to the Northern Gulf Islands has been developed for the northern islands and will be useful to the working group. She stated that the Ministry of Environment brochure for Riparian Areas Regulation provides information that might be useful to property owners considering development of their property and advised that she brought a quantity of these for distribution.

Planner Zupanec noted that the Trustees may choose to review and update the Top Priorities later in the agenda if proposed Bylaw No. 145 is adopted.

*12.2 Applications Log
Report dated June 27 2012*

The Applications Log dated June 27, 2012 was reviewed.

12.3 Trustee and Local Expenses

12.3.1 Expenses posted to May 31, 2012

The expenses posted to May 31, 2012 were received.

12.3.2 Expenses posted to June 30, 2012

Planner Zupanec distributed a corrected version of the Expense Summary Report for review. The Trustees questioned the Local Trust Committee Meeting Expenses spent to June 30, 2012 and will request a breakdown of expenses related to that specific item.

13. NEW BUSINESS

13.1 Smart Meter Consultation Discussion

Trustee Law provided background with a summary of requests for community meetings with BC Hydro to discuss the issue of Smart Meter installation. He advised that BC Hydro has now retained a consultant to further communications on this issue however a contingent of active Hornby residents is declining the offer to meet. Trustee Law requested consensus on how the Local Trust Committee should respond to this situation.

Discussion followed on the question of how to proceed. Chair Graham suggested that this is an issue that might be advanced by the Hornby Island Residents and Ratepayers Association as it is an organization that represents the community on issues where the Islands Trust does not have authority.

Trustee Law concurred that the Local Trust Committee has fulfilled a role in encouraging BC Hydro to consult with the community and that it might be appropriate to explore the option that the Hornby Island Residents and Ratepayers Association assume management of the process at this time.

14. BYLAWS

14.1 Proposed Bylaw No. 145 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012"

Chair Graham advised that the proposed Bylaw was approved by the Executive Committee on July 3, 2012.

HO-041-2012

It was **MOVED** and **SECONDED** that proposed Bylaw No. 145 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012" be adopted.

CARRIED

Discussion followed on updating the Top Priority report as a result of this resolution.

HO-042-2012

It was **MOVED** and **SECONDED** that Top Priorities of the Hornby Island Local Trust Committee be amended by moving "Official Community Plan and Land Use Bylaw Review" to No. 1, and by moving Vacation Home Rentals Regulations to No. 2 with the activity being: Staff to develop a communications plan regarding the new regulations.

CARRIED

Communication of the regulations was discussed and the possibility of creating a YouTube video as an option was considered. The Trustees offered to explore community resources that might assist in a pilot project.

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page

The following changes were requested to the Hornby page of the website:

- Update the Hornby Island Work Program
- Add the Special Meeting on August 12, 2012 to the Latest News
- Add information on the draft Official Community Plan to the Latest News
- Add the Trustees' Report to the Latest News

16. NEXT BUSINESS MEETING DATE

The next business meeting of the Hornby Island Local Trust Committee will take place on Friday, Sept 21, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC.

A Special Meeting of the Local Trust Committee for residents and part-time residents to discuss topics of interest will be held on Sunday, August 12, 2012 at 11:00 am with the venue to be determined.

17. ADJOURNMENT

Chair Graham adjourned the meeting at 2:03 pm.

Recorder

Chair

DRAFT

**MINUTES OF THE HORNBY ISLAND SPECIAL BUSINESS MEETING
TO HOLD A COMMUNITY INFORMATION MEETING**

**HELD AT 1:30 PM, SUNDAY, AUGUST 12, 2012
AT NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<u>PRESENT:</u>	David Graham	Chair
	Tony Law	Local Trustee
	Alex Allen	Local Trustee
	Katherine Vogt	Recorder

There were sixteen (16) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 1:34 pm. He welcomed the public and introduced himself, Trustee Law, Trustee Allen, and Recorder Vogt.

2. APPROVAL OF AGENDA

There was no agenda for this meeting.

3. OPENING REMARKS FROM THE CHAIR

Chair Graham noted that this Special Meeting to hold a Community Information Meeting is being called during the summer in order to allow seasonal as well as year-round residents the opportunity to have an informal exchange with the Local Trustees. He remarked that there was no agenda for the meeting and that it was an opportunity for all those present to bring up issues of concern to them.

4. OPENING REMARKS FROM TRUSTEE LAW

Trustee Law explained the structure of the Islands Trust and how the mandate of the Islands Trust Act was implemented by elected Local Trustees through the adoption of an Official Community Plan to guide land-use decisions. He spoke on the Islands Trust Fund, a land trust that holds land for conservation across the Trust area and which presently holds 66 conservation covenants and 22 nature reserves. He noted that the Islands Trust Fund was administered by 3 board members appointed by the Trust Council, of which he was one, and 3 board members appointed by the Minister.

5. FURTHER REMARKS FROM CHAIR GRAHAM

Chair Graham spoke further on the structure and process of the Trust Council, explaining that they meet four times a year, and try to meet on all of the Islands Trust Area islands over their three-year term, and that it is a wonderful opportunity for the host island. The next meeting of the Trust Council will be in September of 2012 on Bowen Island and the greatest focus for discussion will be the Strategic Plan, which is equivalent to an Official Community Plan for the entire Trust area. At this meeting, the Trust Council will attempt to pare down their policies and objectives so they can focus on a few strong activities that are within their limited budget and three-year term time frame.

6. OPENING REMARKS FROM TRUSTEE ALLEN

Trustee Allen spoke on his involvement with the Enbridge Pipeline issue and urged members of the audience to write to the Gateway Panel Review, which is accepting public comments this month. He regarded the pipeline issue as being in the backyard of the Trust area and expressed concern over the lack of spill response in the province, given that Enbridge has been responsible for 612 spills since 1999. He also expressed concern over the inadequacy of present marine safety standards in the province.

Trustee Allen reviewed the past few months of his term since first being elected to office in January and noted that vacation rentals had been the biggest and most contentious issue, and that the trustees were trying to achieve a happy medium to allow greater flexibility with rental operations that did business throughout the year.

Trustee Allen spoke on The Thatch development permit application, explaining that over-height variance issues with the project necessitated design alterations which would be looked at by trustees in the fall.

7. FURTHER REMARKS FROM TRUSTEE LAW

Trustee Law spoke on his appointment by the Local Trust Committee to sit on the local Ferry Advisory Committee, noting that there would be some major community engagement processes occurring in the fall in regard to the British Columbia Ferry Corporation looking to cut some low-use Hornby sailings in order to save money. Another part of this community engagement process would be the envisioning of future ferry service vessel requirements for the Islands.

8. TOWNHALL SESSION INTRODUCTION FROM THE CHAIR

Chair Graham invited members of the public present to introduce themselves in order of seating. They did so and gave brief summaries of their connections to Hornby island and their reasons for being at the meeting.

9. **TOWNHALL SESSION**

Larry Pierce - expressed his dismay over the Local Trust Committee meeting processes, commenting that the Islands Trust had not been paying attention to the needs and aspirations of residents and that going to meetings were a waste of time. He noted that he had been coming to Local Trust Committee meetings for years and that at every meeting there was virtually 100 percent opposition to regulating short-term vacation rentals and septic inspections, yet Trustee Law went ahead and brought in new regulations and inspection requirements. He claimed that the trustees should be working towards the prosperity of the Hornby Island economy, but instead they were not paying any attention to local residents. He stated that he had said enough and was leaving and that he didn't want to hear what the trustees might have to say in response.

Alisa Aiken - commented that short-term vacation rental regulations were unfair given that a majority of residents were opposed to them and that these regulations had indirect negative effects on all other businesses and events on Hornby Island.

Chair Graham responded that the vacation rentals issue did not have an easy answer, but that local trustees do their best to weigh the evidence through the meeting processes with the best of intentions. Still, the final results are not always what everyone wants.

Jan Bevan - expressed that the trustees came to a well-thought out compromise to the vacation rentals issue after many months of deliberation.

Trustee Law responded on three factors regarding vacation home rentals that trustees had to consider before coming up with an overall solution. One was the issue of local resident displacement which was mitigated by the limiting of vacation home rentals to five months out of the year, so that most of the year the space would be available for residential use; the second was the issue of neighborhoods with water quality problems such as Whaling Station Bay, an issue that was mitigated through bylaws requiring adequate septic capacity for vacation home rental sites; and the third factor was commercial rental businesses' concern with the overall lack of regulation regarding temporary accommodations and the discontinuity between existing bylaws and actual community practice. New bylaws were developed to mitigate such discontinuity. Trustee Law added that these bylaws were open to adjustments.

Dick Goldman - commented that while he was not entirely happy with the vacation home rental bylaws, they were something he could live with. He added that there was a long tradition of residents on Hornby Island having a secondary building on their property that they could move into temporarily while renting out their main dwelling.

Janet LeBlancq - noted that the commercialization of residential properties affects restaurants and businesses that provide employment to local youth and other vulnerable members of the community who may not own property, but do rely on local employment opportunities for their sustenance. Vacation home rentals allow visitors to cook their own meals, thereby reducing local eatery business.

Betty Kennedy - expressed that vacation home rental operations should have to comply with existing septic regulations along with everyone else. She then read out the contents of a prepared, paragraph-long written submission titled "Submission to Community Plan Meeting August 12, 2012" regarding item 6.5.2.5 of the current draft of the Hornby Island Official Community Plan in regards to changing the status of Bradsdadsland to Visitor Accommodation. She explained that the neighbors of Bradsdadsland had no problems with this commercial operation, but that they wished to have the neighborhood maintain its rural residential status while offering Bradsdadsland a legally nonconforming status, rather than changing the status to Visitor Accommodation, which would allow for indefinite commercial operations on the site.

Chair Graham invited Betty Kennedy to submit her letter, along with two supporting letter documents, to Recorder Vogt.

Bill Rappanos - spoke on a one-page document that he had downloaded from the Comox Official Community Plan website regarding affordable housing policies and bylaws. This document, page 28 of the Consolidated Town of Comox Official Community Plan Bylaw 1685 - printed 22-June - 12, gives some reference to affordable housing. He expressed that Hornby Island's Official Community Plan should recognize the need for affordable and alternative forms of housing that don't currently exist. He spoke to the housing needs of young, working people and the possibility of setting up trailer courts. On another issue, he observed that it was an oversight in the Hornby Island Official Community Plan not to mention provisions for pedestrians and cyclists. Such an oversight would discourage the Highways Ministry from allocating money towards pathways and other possible installations.

Trustee Law requested specific suggestions regarding affordable housing and indicated that written submissions on what was missing from the Hornby Island Official Community plan in regards to affordable and alternative housing would be helpful. Trustee Law noted that while there were designated cycle routes on Hornby Island, the stronger inclusion of this information in the Official Community Plan could provide greater opportunities from the Ministry of Transportation and Infrastructure.

Dick Goldman - requested that the Islands Trust write to the owners of the Texada Mine to install less visually polluting lighting at their mine-site and that they look at mine remediation laws to see if some cleanup and mine scar removal could take place while the mine is still operating, rather than waiting until the mine closes for remediation to take place. On another issue, he expressed his shock that shipping companies are allowed to dump grey-water and sewage waste into the Georgia Straight and suggested that members of the public could go directly to the offending companies and request a halt to this practice, or create negative publicity around the practice.

Chair Graham noted that this issue of marine waste dumping was very high on the Islands Trust agenda and that they advocated banning the practice. He added that it wasn't allowed in American waters, and that ship waste dumping in Canadian waters had to occur at least three miles offshore.

Trustee Law remarked that the Islands Trust was taking a strong leadership role in advocating on marine issues.

Jan Bevan - requested input on the proposed sea cucumber ranch.

Chair Graham responded that jurisdiction over the sea floor was not well defined and that without the ability to zone in the channel area, there was no ability to regulate activities. He added that the Islands Trust was trying to get answers to this problem and one possible solution would be for the Islands Trust to have jurisdiction up to the midline of the channel between Denman and Vancouver Islands.

Trustee Allen expressed some concern about PVC tubes proliferating if the ranch went ahead.

Dan Bruiger - recommended the use of plain, clear, correct language in the Hornby Island Official Community Plan. He noted that some sections of the plan were ungrammatical, too bureaucratic in their use of language, and misleading as to intent. He opposed the use of the term "advocacy policy" because there was no provision in the Local Government act for such a term. Rather, the act restricts the Official Community Plan to statements of "objectives" He also objected to the systematic substitution of the word "should" in place of the word "shall" in the Official Community Plan, because it expressed a weakening of actual power and intent. He submitted a three-page document to Recorder Vogt titled "Notes concerning draft revision of Hornby's OCP, by Dan Bruiger, August 11, 2012."

Trustee Law responded that much of the language inconsistency in the Hornby Island Official Community Plan was more a reflection of its long history and its inclusion of different community voices, rather than an effect of bureaucratic tampering. He added that the Islands Trust will not advocate for what they are not able to directly implement or regulate.

Janet LeBlancq - recommended that the K'omox name for Hornby Island "Jai dai aich" be included in the first three pages of the Hornby Island Official Community plan.

Betty Kennedy - commented that as per the British Columbia Local Government Act, local governments may waive the holding of a public hearing on a proposed bylaw based on two sub-sections, and that she wanted to reiterate that the Islands Trust not promote the waiving of public input and questioned why this section would be in the act.

Joan Bevan - Remarked that the problem with the public hearings process to provide input on the Hornby Island Official Community Plan is that people who have not been involved at the outset show up for the final hearings with limited understanding of the issues.

Trustee Law replied that it was important for people to express their concerns early in the process, especially in writing. He noted that written submissions did not need to be written as a full letter but could contain just one or two sentences on a key point.

Chair Graham noted that the internet was making it easier for people who could not attend meetings to provide input to the trustees.

Ted Possey - requested clarification on the issue of rural residential lots on Hornby Island.

Trustee Law responded that rural residential lots over eight acres are allowed two dwellings, though originally they were allowed only one. Often these properties were divided as tenants in common which created problems with inheritance and succession of the properties. He noted that there was presently a draft policy in the Official Community Plan to allow for the subdivision of those properties that had two separate established owners of separate dwellings on them. This subdivision process would not increase density because the residences were already established and it would not affect land in the Agricultural Land Reserve. He added that this issue was flagged for priority consideration at the upcoming September 2012 Local Trust Committee business meeting.

Jan Bevan - noted that there was a time when there were no zoning bylaws and large farm parcels were subdivided into half-acre and one-acre lots before the Provincial Government put a ten-acre minimum on subdivided lots. So, historically there many ten acre parcels in rural areas that contained two residences or that contained one residence and a secondary guest cottage that evolved into a secondary permanent residence.

Trustee Law responded that he recognized the reality that cottages often evolve into full-time residences.

John Cox - questioned the policies and regulations around succession of property to children.

Trustee Law responded that Section 946 of the Local Government Act allows a lot to be subdivided for a relative even if it goes against local zoning bylaws but that this could be abused by owners who could claim the subdivision for a relative when the real intent was for resale. He noted that Hornby Island was the only Island in the Trust region that did not have local regulations regarding subdivision and that it was a significant issue open for future discussion.

Cameron Trelevan - proposed that given the large number of Agricultural land Reserve lots for sale, specifically the 90 acre Raven Lumber parcel, perhaps one could be purchased and used for valuable housing.

Trustee Law responded that the Raven Lumber parcel was in the Agricultural land Reserve and that the Land Commission was reluctant to allow more housing on reserve land and resistant to subdividing such land below 40 acres. As Chair of the Housing Task Force, he would be meeting with the Land Commission in December 2012 to further explore possibilities.

Bill Rapanos - commented that the British Columbia Housing Corporation is able to build affordable housing through non-profit societies.

Trustee Law responded that crown land could be made available for local affordable housing and that the possibility had been explored on Hornby Island in the past and could be reactivated in the fall.

Dan Bruiger - suggested that property owners could bequeath their properties for low cost housing.

Trustee Law noted that he believed the Hornby Island Official Community Plan allowed flexibility for the possibility of bequeathing land to a land trust with the intent to provide low cost housing, though he would like to confirm that this flexibility does exist.

Judy Cross - observed that there were various calls for a ban on shipping containers being used for housing due to aesthetic concerns even though they were efficient and practical.

Trustee Law noted that it had come up for discussion on Gabriola Island because many residents found them to be ugly.

Alisa Aiken - suggested that the shipping containers be shielded or out of sight.

Trustee Law responded that there were ten acres available on Hornby Island right now for portable housing.

Janet LeBlancq - spoke to her appreciation of the present input from seasonal residents.

Cameron Trelevan- commented that the meeting had been a positive, eye-opening experience for him, given that it was the first Local Trust Committee meeting he had attended in thirteen years of coming to Hornby Island as a part-time resident.

Chair Graham remarked in closing the meeting that the strength of local government was having empowering access to local trustees.

Trustee Law thanked everyone for their participation amidst general applause from the audience.

10. **ADJOURNMENT**

Chair Graham adjourned the meeting at 3:05 pm.

Recorder

Chair



RWM From: March 08, 2012 To: September 10, 2012

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2012-02	In Favour	"THAT the Hornby Island Local Trust Committee endorse the July 2012 DRAFT Official Community Plan – version 4, for release to the public via posting on the Hornby Island webpage."	Jul 17, 2012



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.			On Going

Jun-01-2011

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project) Resolution: Request staff to flag the following issues arising from the Islands Trust Food Security report for the OCP/LUB review: farm worker housing; amenity zoning policy; community food storage facilities; shared equipment storage facilities. Resolution (2010):LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners. Consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Sonja Zupanec		On Going

Sep-21-2011

No.	Activity	Responsibility	Target Date	Status
1	Meeting with K'omoks First Nations- reschedule. Theresa - Melinda Knox from K'omoks FN is working with Pam Shaw to set up meetings.	Theresa Warren	Nov-30-2011	On Going

Jun-01-2012

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 - LTC Resolution: Staff to amend and update the draft OCP with recommendations from the APC endorsed by the LTC at June 1 LTC special meeting and return to LTC for review. Staff be requested to draft alternative option to 6.3.3.1 draft OCP enabling any lot 3.5 ha or larger designated RR to be subdivided to create one additional lot no larger than 1 ha and provide information to assist in providing this option. Add guideling to commercial DP area with respect to requirements for age friendly development.	Sonja Zupanec		Done

Jul-06-2012

No.	Activity	Responsibility	Target Date	Status
1	HO-DVP-2012.2 be deferred until the September LTC meeting.	Sonja Zupanec	Sep-21-2012	On Going



STAFF REPORT

Date: July 31, 2012

Application No.: HO-DVP-2012.3

To: Hornby Island Local Trust Committee
For September 21, 2012 Regular Business Meeting

From: Sonja Zupanec, Island Planner

Copy: Chris Jackson, Regional Planning Manager

Re: Development Variance Permit for HO-DVP-2012.3 (Krell)

Owner: Toby Krell
Applicant: Owner
Location: 4330 Central Road, Hornby Island, Lot A, Section 11, Hornby Island, Nanaimo District, VIP Plan 56290

THE PROPOSAL:

The applicant has applied for a Section 946 subdivision proposal to create two lots: Proposed Lot 1 of 1.29 ha (3.18 ac) and proposed Lot 2 of 3.84 ha (9.48 ac). The subdivision does not comply with the density provisions of the *Hornby Island Land Use Bylaw No. 86, 1993* (LUB), and is therefore proposed through section 946 of the *Local Government Act* [subdivision for a relative].

The development variance permit application is to relax the depth to width ratio requirement for subdivision in the LUB. The proposed permit would vary Section 3.12 (Lot Proportions) which states that no lot may be created by subdivision whose front lot line is less than one-third (1/3) the length of its longest side lot line and allow the applicant to subdivide without complying with the minimum depth to width ratio of 3 to 1. Proposed Lot 2 requires the variance. Proposed Lot 2 also requires a 10% frontage waiver from the Hornby Island Local Trust Committee.

The site plan is attached. The application to subdivide this property into two lots has received preliminary layout approval (PLA) from the Ministry of Transportation and Infrastructure.

Staff reviewed the preliminary subdivision plans and identified that it did not comply with the LUB. To move forward, the applicant needed to either revise the proposed subdivision plan or obtain a variance to relax the subdivision regulation's lot proportions. The applicant has chosen to apply for a DVP due to the limited options to revise the subdivision layout based on the parent parcel dimensions.

SITE CONTEXT:

The subject property, illustrated below, is zoned Rural Residential (R3) and is 5.1 ha (12.6 ac) in size. There is currently one dwelling in the location of Proposed Lot 1.

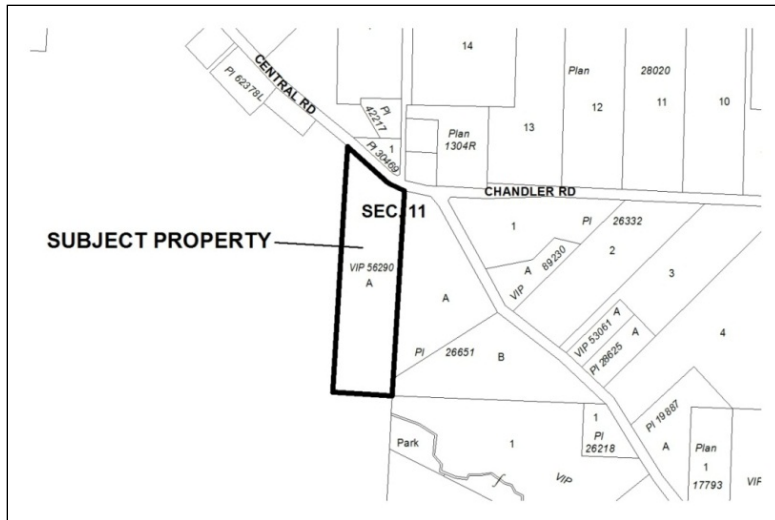


Figure 1. Subject Property Map.



Figure 2. Aerial view of subject property.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The proposal is not at variance with the Islands Trust Policy Statement.

Official Community Plan

The property is designated **Rural Residential (RR)**.

The purpose of the Rural Residential designation in the Hornby Island OCP is to promote the retention of large parcels of land and to maintain the rural aesthetic appeal. Subdivision is supported in this zone provided there is no increase in density or additional impacts upon the island, including the neighbourhood water supply, environmentally sensitive areas, maintaining tree cover and protecting the groundwater recharge function. Proposed Lot 2 would be 3.84 ha in size and would be permitted one residential dwelling unit and one secondary dwelling unit. Proposed Lot 1 would be permitted one residential dwelling unit, for a total of three dwellings on two lots. Currently a maximum of two dwellings would be permitted on the subject property.

Section 6.1.3 of the Official Community Plan stipulates that applicants should obtain approval from the Vancouver Island Health Authority that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels. This is also a requirement under subsection 946(6) of the *Local Government Act*. A condition of the PLA requires proof of potable water to the satisfaction of the Provincial Approving Officer of 500 gallons/day/lot.

Land Use Bylaw

The property is zoned **Rural Residential (R3)**.

Section 3.12 of the *Hornby Island Land Use Bylaw* states that “no lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line.”

A variance is required for the proposed subdivision to comply with the Land Use Bylaw.

Under the R3 Zone regulations, a lot having an area greater than 3.5 ha (8.6 acres) is permitted one secondary dwelling unit in addition to the primary residential dwelling unit. As proposed Lot 2 would be large enough to permit two dwellings.

Islands Trust Fund:

Not applicable.

Regional Conservation Plan:

Not applicable.

Sensitive Ecosystems, Riparian and Hazard Areas:

According to the Islands Trust Ecosystem Mapping (ITEM) the property contains second growth forest. The subject property is located in the IIA Aquifer which classified as moderately

developed, high vulnerability. The southern property line is 31.0 metres from Buelah Creek and is therefore not subject to the Riparian Areas Regulation.

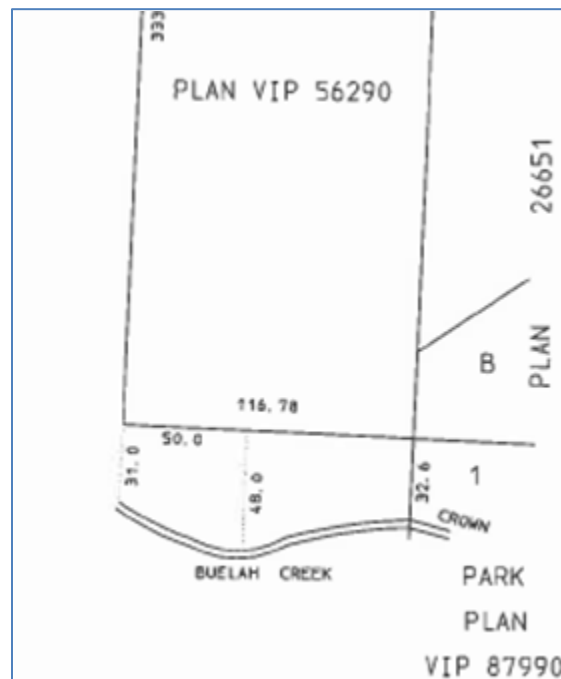


Figure 3. Location of Buelah Creek

Archaeological Sites:

According to the provincial Remote Access to Archaeology Data (RAAD), there are no archaeological sites on or in the vicinity of the property.

Covenants:

There are no covenants noted on the land title. A section 946 covenant is required for the approval of the subdivision and is a condition listed in the PLA. The applicant will prepare a covenant for HOLTC review and signature should the subdivision proceed. As stated in the *Local Government Act*, the purpose of the covenant is to provide that:

- For 5 years, the use of the parcel subdivided being provided as a residence for the owner or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild must remain a residential use only, unless the use is changed by bylaw; and
- For 5 years, the use of the remainder of the original parcel must not be changed from the use of the original parcel unless the use is changed by bylaw; and
- The parcels will not be subdivided any further under Section 946; and
- The covenant complies with Section 946 of the *Local Government Act*, and once executed, the owner must register the covenant under Section 219 of the *Land Title Act*

on each of the parcels being created by subdivision at the same time the subdivision plan is being deposited at the Land Title Office.

Bylaw Enforcement:

There are no outstanding bylaw enforcement issues.

Climate Change Mitigation and Adaption

Staff are unable to comment on any potential GHG emission changes resulting from approval of this DVP or on any potential impacts on the proposed development from anticipated or possible climate change induced hazards.

COMMUNITY INFORMATION MEETING(S):

Community information meetings are not required for Development Variance Permit applications.

RESULTS OF CIRCULATION:

A copy of the attached permit and a notice was sent to adjacent property owners. Submissions to the LTC will be presented at the regular business meeting.

STAFF COMMENTS:

Lot Proportions: The lot proportions regulation is intended to prevent the creation of long, narrow lots. Section 3.12 (Lot Proportions) of the *Hornby Island Land Use Bylaw* states that no lot may be created by subdivision whose front lot line is less than one-third (1/3) the length of its longest side lot line. Proposed Lot 2 is approximately 1/5 and requires a variance.

Lot Frontage: There is no lot frontage requirement in the LUB. Under the *Local Government Act*, the newly created lot must have a 10% lot frontage. Proposed remainder Lot 2 does not meet this requirement. The Local Trust Committee is being asked to grant a frontage waiver to approve the proposed remainder lot frontage by the applicant to facilitate subdivision as proposed. Staff have not identified any issues relevant to the 10% frontage waiver.

Density:

Proposed Lot 2, if approved would be large enough to permit two dwellings, in addition to the existing dwelling on proposed Lot 1, for a total of three dwellings. A maximum of two dwellings is currently permitted under the LUB regulations. The proposed subdivision, if approved, would increase the potential density of the subject property by one dwelling. Staff recommends a restrictive covenant in addition to a Section 946 covenant, could be used to limit the density of the subject property to two dwellings which is consistent with the intent of the s. 946 subdivision proposal or the R3 zoning regulations.

Staff recommends approval of the development variance permit. The proposed site layout is the only option for subdivision given the long narrow dimensions of the parent parcel, and the absence of a minimum parcel size in the LUB for section 946 subdivisions.

Staff also recommends that the LTC request an additional condition of the Preliminary Layout Approval be submitted to the Ministry of Transportation and Infrastructure, requiring the applicant to enter into a restrictive covenant with the Hornby Island Local Trust Committee to limit the density of the proposed Lot 2 to one dwelling. Staff has discussed this option with the applicant and they have confirmed that the intent of the subdivision was not to increase the density of the subject property.

Ministry of Transportation and Infrastructure staff has indicated that the Approving Officer will favourably view a condition such as this and it is unlikely that the subdivision would proceed if this condition has not been satisfactorily met.

A restrictive covenant limiting the density of the proposed Lot 2 would be consistent with the intent of the original application for subdivision, the Official Community Plan and the R3 zone.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee:

1. approve development variance permit HO-DVP-2012.3 (Krell)
2. Grant a 10% frontage waiver to proposed remainder Lot A, Section 11, Hornby Island, Nanaimo District, VIP Plan 56290 (HO-SUB-2012.2); and
3. Request staff to submit to the Ministry of Transportation and Infrastructure an additional condition for the preliminary layout approval of MOTI File 2012-00471 requiring the applicant to enter into a covenant with the Hornby Island Local Trust Committee to limit the density of the proposed remainder lot A to one dwelling prior to the final approval of MOTI File: 2012-00471 (HO-SUB-2012.2).

Prepared and Submitted by:



Sonja Zupanec, MCIP, RPP
Island Planner

July 31, 2012

Concurred in by:

Chris Jackson

September 5, 2012

MCIP, RPP
Regional Planning Manager

Date

PROPOSED



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2012.3 (Krell)**

To: Toby Krell

1. This Development Variance Permit applies to the land described below:

Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP 56290

2. "Hornby Island Land Use Bylaw No. 86, 1993" is varied as follows:

Section 3.12 (Lot Proportions) which states that no lot may be created by subdivision whose front lot line is less than one-third (1/3) the length of its longest side lot line is varied in order to subdivide in accordance with Schedule A, attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Hornby Island Land Use Bylaw No. 86, 1993" and obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 2012.**

Deputy Secretary, Islands Trust

Date of Issuance

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

HORNBY ISLAND LOCAL TRUST COMMITTEE HO-DVP-2012.3 SCHEDULE "A"

SUBDIVISION PLAN OF LOT A,
 SECTION 11, HORNBY ISLAND,
 NANAIMO DISTRICT, PLAN VIP 56290

PLAN EPP 22749

BCGS 92F.057

LOT 1 IS CREATED UNDER SECTION 946 OF THE LOCAL GOVERNMENT ACT



THE INTENDED POST SIZE OF THIS PLAN IS 400mm IN WIDTH BY 500mm
 IN HEIGHT. I.C. SIZE 1 WHEN PLOTTED AT A SCALE OF 1:1250

LEGEND

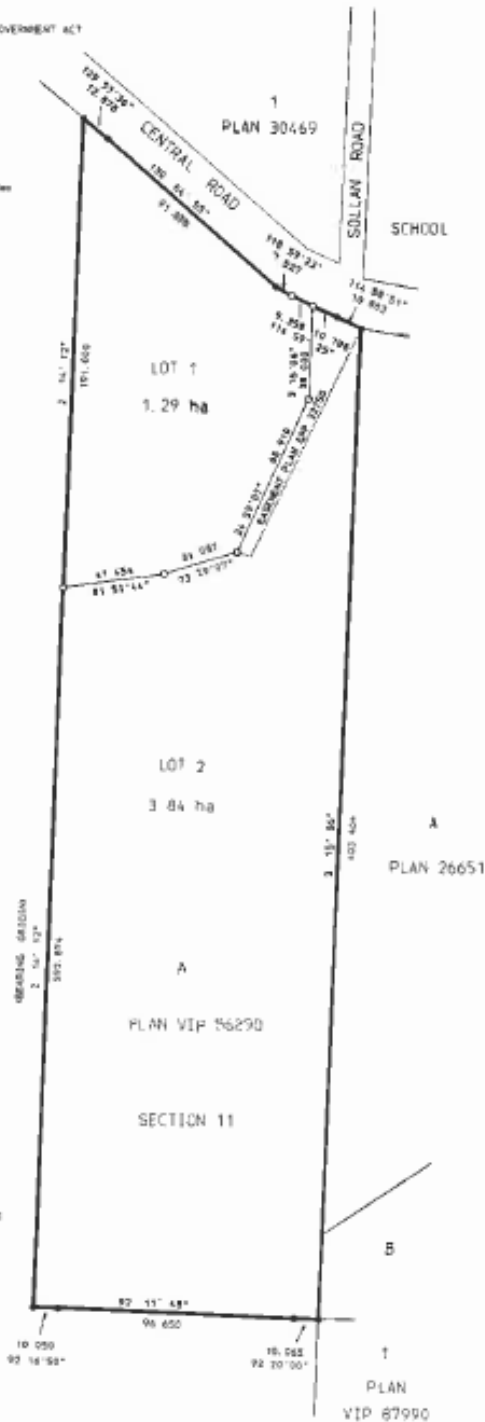
BEARINGS ARE ASTROMERIC AND DERIVED FROM PLAN VIP 56290

● DENOTES STAKED IRON POST FOUND

○ DENOTES STAKED IRON POST SET



SW 1/4
 SEC 11



A COVENANT WITH THE HORNBY ISLAND LOCAL TRUST
 COMMITTEE PURSUANT TO SECTION 218 OF THE LAND TITLE
 ACT IS A CONDITION OF APPROVAL FOR SUBDIVISION

THIS PLAN LIES WITHIN THE JURISDICTION OF
 THE APPROVING OFFICES FOR MINISTRY OF
 TRANSPORTATION AND INFRASTRUCTURE
 VANCOUVER ISLAND DISTRICT FILE 2012-00471

THE FIELD SURVEY REPRESENTED BY THIS PLAN
 WAS COMPLETED BY ROSS H. GLOVER, BCLS ON
 THE 10TH OF JULY, 2012

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT

ROSS H. GLOVER B.C.L.S.
 BRITISH COLUMBIA LAND SURVEYOR
 1 -1841 COMOX AVENUE
 COMOX B.C.
 V9M 3H3 (250) 339-5424
 FILE 18280

STAFF REPORT

Date: September 4, 2012

File No.: HO-OCP-2009.1

To: Hornby Island Local Trust Committee
For meeting of September 21, 2012

From: Sonja Zupanec
Island Planner
Northern Team

Copy: Chris Jackson, Regional Planning Manager, Northern Team

Re: Hornby Official Community Plan and Land Use Bylaw Review Project

THE PROPOSAL:

This report outlines possible revisions and additions to the draft OCP and LUB for Local Trust Committee (LTC) consideration. Since the August 12 LTC special meeting with summer residents, a number of letters have been submitted to the LTC from residents regarding the July 2012 draft Official Community Plan. All correspondence received to date has been included on the September business meeting agenda.

Proposed Revisions to the OCP/LUB

The following issues require further LTC discussion and direction to staff in order to proceed with the OCP/LUB review this fall:

1. **Property designations on certain properties**

- a. Downes Point – This property is proposed for redesignations to Land Cooperative/Agriculture. The Agricultural Land Commission approved an inclusion/exclusion application in 2011. It is recommended that the OCP designation and LUB zoning be changed to reflect the requested Land Cooperative/Agriculture designations. Staff is requesting confirmation of LTC support for this site specific zoning amendment within this OCP/LUB review process.
- b. Norris Rocks, Toby Islet and Flora Islet – These locations are all designated Park (P) in the current OCP and would remain as such in the proposed OCP. The current zoning of the islands is 'Residential'. Islands Trust Fund staff have been in contact with the owner's realtor regarding the possible purchase of Norris Rocks for conservation purposes. The

LTC is requested to indicate the level of support for using the OCP/LUB process to work towards rezoning the island for parkland use.

2. **Policy 6.3.3.1/ 6.3.3.2** – At the July regular business meeting, the LTC requested that staff prepare alternative options to these OCP policies to enable all rural residential lots where two dwellings are permitted, to be subject to applications for subdivision into two lots with one dwelling on each lot. The following draft policy is suggested for LTC consideration and further direction is requested.

“6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust or other community service use.”

If the LTC agrees to the suggested revision, Policy 6.3.3.2 should be removed which currently states:

“6.3.3.2 Exceptions to policy 6.3.3.1 may apply where two owners have jointly owned a property between 3.5 hectares and 4.5 hectares designated Rural Residential and over the span of time find that continued joint ownership is not feasible. A minimum lot size not smaller than 1.0 hectare may be considered for subdivision if the applicant submits an application using the amenity zoning policies of this Plan.

3. **OCP Policy 6.5.2.5 – Visitor Accommodation**

Several property owners submitted correspondence to the LTC regarding this policy which currently reads:

“One existing property , Lot A Plan 38493 Section 13 (known as Bradsdadslands), has been designated as Visitor Accommodation to recognize a historical legal non conforming situation in which the parcel has been used for a campground and may be considered for rezoning for campground use upon application.”

Those submissions state that this policy be removed from the draft OCP as they understood the intent was to permit campground use for the current owner but not enshrine it in the regulations as a permitted use. Land use designations are based on the merits of the land use, not the user. The LTC is requested to provide clarity on how it wishes to proceed with this draft policy.

4. OCP Policy 6.10 Temporary Use Permits

The current draft OCP specifies in section 6.10 a number of objectives for temporary use permits, #9 being “*to allow vacation home rental use that does not comply with limitations imposed by land use regulation.*”

The LTC expressed an interest in reviewing this section to determine if vacation home rental guidelines in addition to those listed in section 6.10.9 would be required. The LTC is requested to provide clarity on whether or not it wishes to remove this section or expand on it for the next draft of the OCP.

5. OCP Section 4.1 Farming

In the previous term the Local Trust Committee requested the inclusion of a policy in section 4.1 to indicate support for a Hornby Island Farm Plan. If the LTC wishes to include this in the draft OCP, staff suggests the following policy:

“Policy 4.1.2 The development and implementation of a Hornby Island Food and Farm Action Plan is strongly supported.”

6. OCP/LUB Home Occupation Regulations

The draft OCP policies support home occupations on residential lots. The current LUB regulates the use of home occupations (Section 4.0 LUB). Trustee Law has requested a discussion with the LTC about whether and how to include a draft policy and regulations to enable, as a home occupation, the rental of a studio or workshop on a lot to a person who is a resident on another lot to use to pursue a home occupation.

The LTC is requested to indicate if they wish to request staff to proceed with researching this option and providing recommendations in a supplemental staff report for review and further consideration.

7. Commercial Development Permit Guidelines

Last term the LTC had requested the addition of an ‘age friendly’ guideline for section 6.9.1 *Development Permits to Define the Form and Character of Commercial Development.*

Staff suggests the inclusion of the following guideline based on the Canadian Mortgage and Housing Corporation (CMHC) universal access standards which extends beyond the concept of age friendly design and focuses more on supportive design for a wide variety of abilities in the community context:

“12. Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee direct staff to

1. revise the draft OCP and LUB as per the staff report dated September 4, 2012 and other revisions deemed necessary by the LTC.
2. Return the revised OCP and LUB to the LTC for review and consideration at a future LTC meeting date.

Prepared and Submitted by:

S Zupanec

September 4, 2012

Sonja Zupanec, RPP, MCIP
Island Planner

Date

Concurred in by:

Chris Jackson

September 5, 2012

RPP, MCIP
Regional Planning Manager

Date

Compilation of Correspondence
to September 5, 2012

August 31st. 2012
2475 St. Johns Point
Hornby Island
VOR IZO

To the planning dept. Islands Trust

Dear Ms. Szupanec,

I am writing in support of the proposal that land parcels with the designation 'rural residential' and with two houses allowed be given permission to subdivide into two house sites. This has been happening for many years, on a case by case basis. It has been , in some cases, unclear why one application was allowed, while another in an identical situation has been denied. This piecemeal approach is confusing and can lead to an impression of preference.

I live on a ten acre parcel with tenants in common status and have no intention of changing that – so this letter isn't generated by self-interest.

Sincerely yours,

Carol Chambers



DAVID P. WISEMAN, M.D. DCMT
5020 TRALLEE ROAD
HORNBY ISLAND, B.C. V0R 1Z0
250
TELEPHONE (604) 335-0475

August 10 2012

Local Trust Committee

Dear Committee Members

re: Policy 6.3.3.1 of the OCP

I support the redrafting of the policy of subdivision to enable all rural residential lots where two buildings are permitted to be subject to applications for subdivision into two lots with one dwelling on each lot.

Sincerely
David Wiseman



Joan Harris
1760 Ostby Rd
Hornby Island BC V0R 1Z0

August 10 2012

Dear members of the Local Trust Committee of the islands trust:

I support the redrafting of the policy of subdivision to enable all rural residential lots where two buildings are permitted to be subject to applications for subdivision into two lots with one dwelling on each lot.

This is related to policy 6.3.3.1 of the OCP

Sincerely

Joan Harris.



TO THE LOCAL TRUST COMMITTEE:

DEAR COMMITTEE MEMBERS,

RE: POLICY 6.3.3.1 OF THE OCP;

I SUPPORT THE REDRAFTING OF THE POLICY
OF SUBDIVISION TO ENABLE ALL RURAL
RESIDENTIAL LOTS WHERE 2 BUILDINGS ARE
PERMITTED TO BE SUBJECT TO APPLICATION FOR
SUBDIVISION INTO 2 LOTS WITH ONE DWELLING
ON EACH LOT.

SINCERELY,

MARTIN KOFFMAN

Martin Koffman

4455 SLADE RD,
HORNBY ISLAND



General Notes:

1. The Official Community Plan, by its title, represents the community of Hornby Island and local public will. As such, it should be a carefully crafted document, in clear and correct language.

2. The Draft OCP contains a number of passages that are unclear as to the meaning or intent, that are ungrammatical, or that use befuddled language (bureaucratese). An example of the latter is Sec 6.8.10b "...support opportunities for incentives to encourage 'climate wise' actions..." In plain language this should read simply: "...support 'climate wise' actions. Similarly, the general effect of such passages as (Sec 7.2.7g) "...consider adopting Bylaw Enforcement policies to establish priorities for enforcement resources" is qualify and cripple what should be a clear intent. All such turnings of phrase should be edited to their simplest, clearest, and bluntest form.

3. The Draft OCP invents a category called "advocacy policy". There is no provision in Local Govt Act for "advocacy policies". Rather, apart from "policies", OCPs are restricted in the LGA to statements of "objectives".

4. The Draft OCP systematically substitutes the word 'should' for the word 'shall' where it occurs in the current OCP. In so-called advocacy policies, 'should' may be appropriate as an expression of what IT would like to be the case but does not have jurisdiction or clout to make so. Otherwise, however, it expresses a weakening of actual intent and power. The words have very different connotations. 'Shall' is an unconditional decree; 'should' expresses what would be ideal or nice, or morally correct, but without any legal obligation or clout. In regard to the rationale for this change in language, I was referred by Trustee Law to a statement by the Trust's Director of Local Planning Services: "OCPs are policy documents, not regulatory. As such, they are open to interpretation. In my view the language doesn't make much difference on the interpretation. For example if there is a 'will', or 'shall' and there is a conflict with another policy or the overall goal of the OCP, then staff would still advise why the policy should not apply in this instance. 'Should' is the correct language for policy. You could retain 'shall' but it leads to expectations on certainty, which isn't the case. I wouldn't recommend it."

If the OCP is supposed to represent community will, then clear expression of that will is appropriate, however it may subsequently be interpreted and applied. Whether the local community gets its way in the face of other levels of government, for example, is a separate question. Yet, to my mind, it is worth while to assert that will clearly and proactively from the outset, and far better than to accept a passive "expectation" of uncertainty. It is merely that staff member's opinion that 'should' has now become the "correct" language. Evidently previous opinions differed, since 'shall' is the language previously used and approved by the ministry. Why does IT staff now deem the old language inappropriate, when it was accepted for the past decade? It leaves me wondering what is going on in the minds of current staff. Moreover, the subtext of the Director's remarks implies that it is *staff*, not the OCP, which provides guidelines, and staff, not the LTC, which is to "interpret" them. If the OCP is *not* supposed to represent community will, then it would be better named the 'Islands Trust Staff Plan'.

Notes

1. Sec 2.1 should also include as objectives (1) local self-governance, (2) maintaining balanced demographic profile

2. Sec 2.2.2 should include a policy with regard to mining and selling ground water

3. Sec 3.3.1 should include: "and transport" [of oil and gas]

4. It may be a conflict of interest (illegal) for IT to weaken the wording of (old) 3.3.1. Does not inspire confidence in IT!
5. Sec. 3.4, 6th paragraph: "The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk." Should read: "A large number of small dead trees in some areas... have been identified as a significant fire risk" [the trees, not the number, are the risk]
6. Sec 3.4.5 and 3.4.6, by becoming "advocacy policies", potentially give away proper jurisdiction to other agencies.
7. What happened to the "Management Plan" mentioned in the old Secs 3.8 onward?
8. The old OCP 3.4.27 should be retained in some form. Why has this been mollified as 'advocacy policy'?
9. Sec 4.1: why is encouraging cooperative farming a policy and all the others advocacy policies? What is IT jurisdiction here? Sec 4.2: why is logging practice "regulated" by policy and not use of pesticides (sec 4.1)?
10. There is no provision in Local Govt Act for "advocacy policies". Rather, outside of policies, the OCP is restricted to statements of objectives.
11. Should conditions be attached to Sec 5.1.4, such as that a hearing is required to issue TUP or rezone for water sales?
12. Sec 5.4.1 should be toughened to read "is prohibited"
13. Old OCP Sec 5.6.3 should be retained in its stronger form, as "policy", not demoted to "advocacy policy". We do not want high voltage transmission lines running across Hornby, for example. Similarly, Old Sec 5.6.4 should be retained as policy, but worded to except installations that are community owned and managed.
14. Sec 5.8 should include requirement/request that Min. of Trans, & Infrastructure (and paving company) engage in public consultation with neighborhoods affected by the re-paving of their roads.
15. What happened to (old) sec 6.1.2? Are siting and use permits no longer required?
16. Sec 6.1.5 is poorly worded and unclear: Applications for amenity rezoning [what is that?] may be considered by the Local Trust Committee [for purposes of provision of = to provide] a needed amenity such as affordable housing, conservation, community food production, a community facility or parks and recreation [~~purposes~~]. Any density increase authorized by an amenity zone should not exceed the density authorized by the applicable land use designation[s] of the area[s][,] plus[,], in exceptional circumstances, where the amenity is considered of significant value to the community as determined by the Local Trust Committee, an increase in density of one lot may be considered. The total number of additional lots allowed in exchange for community amenities on Hornby Island should not exceed five from the date of adoption of this Plan until the next review or update. For purposes of application of this policy the term "lot" may be used interchangeably to mean "dwelling". [this so awkwardly constructed that the purport is unclear]
17. Sec 6.1.16 Yes! Thank you from the astronomers...
18. Sec 6.3.1: 886 dwellings plus 134 vacant = 1020 < 1088 properties "assessed residential" [68 properties unaccounted for?]

19. What happened to (old) sec 6.3.1.1?
20. Sec 6.3.2.9: classified by whom?
21. Sec 6.3.5: 2nd paragraph of “background” is unclear: what are “households in housing need”? What are “rental households in need”? In plain language, a “single person renter household” is a “renter”!
22. definition of “affordable housing”: do not use “median gross income”, which is irrelevant to the person needing affordable housing! It should read: 30 percent of household income.
23. Sec 6.3.5.13 is unclear in wording and intent. In “a detached unit used to provide”, “used” should be deleted to read: “a detached unit to provide”. What is intent of “and will not manage who can occupy the non-permanent accommodation.”?
24. Sec 6.3.5.24: what does “may be permitted” mean? Permitted or not?, or at LTC discretion?
25. Sec 6.5.3.8: “the ability to provide” should read “the use for”.
26. Does objective 2 imply that seasonal residents cannot engage in home occupation? (not consistent with 6.5.5.1) What are ‘basic’ and ‘extended’ home occupations?
27. Sec 6.8.1 should read: “The Local Trust Committee should work with the community to develop revised greenhouse gas emission targets (to replace the interim targets stated in this Plan) [for emissions] that are locally based and [can be] monitored.”
28. Sec 6.8.5 should read: “This Plan supports limitations on the size of buildings and [supports] opportunities for attached dwelling units and visitor accommodation units.
29. Sec 6.8.8 should read: “The Local Trust Committee should support local provision of services that residents presently travel off island to access.” [“The Local Trust Committee should consider supporting the local provision of services that residents presently travel off-island to access.”]
30. Sec 6.8.10: “identified” where, by whom? Sec 6.8.10b should read: “support ‘climate wise’ actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods; sec 6.8.10c should read: “review land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations and encourage residents to establish such gardens and facilities;” sec 6.8.10j should read “to allow rainwater collection”
31. What is intent of 6.9.1 guideline 11?
32. Sec 6.10 “background” should read” “...The permit can allow a use not permitted by the land use bylaw, [and can specify] the conditions of use and the time period....”
33. Sec 7.2.7g is vague to the point of saying nothing at all: “consider adopting Bylaw Enforcement policies to establish priorities for enforcement resources.” What is intent?
34. Sec 7.3: what is ‘development approval information’? What is purport of this section?
35. Sec 7.6 is unclear and possibly ungrammatical: what does it mean for a “designation or policy” to “deemed to be a community goal”?

Sonja Zupanec

From: Tony Law <tlaw1@telus.net>
Sent: August-12-12 10:08 AM
To: Gerald Hodge
Cc: Sonja Zupanec; Alex Allen
Subject: Re: OCP Disappointment

Hi Gerald:

Thanks for sharing these perspectives. Some quick responses...

1. I have forwarded your message to our planner, Sonja Zupanec, so that it can be included in the input received on the OCP to be considered in the preparation of the next draft. I have also copied it to Alex.
2. I take your point on having additional commentary on population dynamics. This is a first draft and only limited data from the 2011 census was available when it was prepared, so there is scope for more detail to be added. (There is more detail in the Hornby Island Community Profile <http://www.islandstrust.bc.ca/ltc/ho/pdf/hocommunityprofile.pdf>). I would welcome your suggestions of key statements that should be included (noting your suggestion about additional comments on the stagnant and aging character of the population).
3. I also take your point about the length of the OCP. I have noted that our OCP is considerably longer than that of many other similar-sized communities. But this is what evolved through the considerable community involvement in preparing the first Islands Trust OCP in 1991 and thus reflects what this community wanted of its OCP. There was a complete review of the OCP in the years leading to adoption of the present OCP in 2002. There was no appetite expressed in the community with respect to paring the OCP down to becoming a leaner document. The current process is not a full review, but an update and targeted review.

Maybe see you this afternoon...

Tony

From: Gerald Hodge
Sent: Saturday, August 11, 2012 4:53 PM
To: Tony Law
Subject: OCP Disappointment

Tony, I finally got around to looking over the OCP draft and it was a disappointing experience. I had expected/hoped for more on our demographics, especially about our aging population, but also the fact that overall population growth has been virtually stagnant for two decades. These are two significant factors that enter into planning future land use. And since my OCP reading coincided with revising a chapter in my planning text on small town and rural planning, I encountered the paragraph below written 10 years or more ago; I captures some of what I'm feeling; I think I'll not delete it from the book.

"Because planning practice in Canada is conducted within an elaborate statutory framework, this seems to have fostered the lengthy municipal plans one commonly finds. It is rarely apparent that these cumbersome,

repetitious plans, so often given to legalistic language and jargon, are inappropriate for any size of community, let alone small towns and rural municipalities. This conventional approach has produced a 50-page plan for a town of 400 people in New Brunswick and a 90-page plan for a community of 1,000 persons in Ontario, to cite just two examples. One has to wonder who, besides the planners, will read and use them. "

from Gerald Hodge and David L.A. Gordon, *Planning Canadian Communities*, 2008, 263.

I feel the need to get these thoughts out into the community; I might feel up to attending tomorrow. If not, I believe some further dialogue would be merited.

Regards

Gerald

PS I'd be obliged if you could pass this to Alex.

Sonja Zupanec

From: Dick Goldman <rhgoldman@hotmail.com>
Sent: August-09-12 10:42 AM
To: Tony Law; Sonja Zupanec
Subject: a few additional comments RE: Special LTC Meeting - August 12

Re Mt Geoffrey, sounds like good news all around. Perhaps the write up in the OCP could be made more clear, or maybe I'm just dense!

Airports?? We used to fly into Olsen's farm long ago on Aquila Air from YVR when we came from overseas and didn't have a car, and that was great. I also know there are folks that fly into their own property from time to time, and Arne has a friend or two that use the "strip" on the rare occasion in the summer. So, I'm wondering if the OCP is trying to outlaw that practice. If so, I suggest you inform those with that type of property even if they aren't using it at the moment, there aren't many (Chris LaF, Arne, the farm at Seawright/Porpoise, maybe the Tigg's farm, to get their opinion. Do most tax payers really oppose the occasional plane flying in? Sea planes should certainly be allowed. I don't have a dog in this fight, but I do think Rules can get overly restrictive if we aren't careful.

I haven't made it through the whole OCP, but I did find the intro about the history and culture of the Island interesting and well written.

Taxes: I'm wondering if the Trust shouldn't start to reduce its budget, cut back on staff, and in general do some downsizing. The taxes that go to the Trust are more than almost every other category. I have heard a lot of grumbling lately about this, which may one day manifest itself in Hornby becoming incorporated and handling much of what the Trust does itself. I suspect this would be a mistake, but it may be time for the Trust to look at its growth over the years and possible "mission-creep". Apropos to this, I did see a fancy Trust brochure on Hornby earlier in the year. As I recall, it was in full color, with pictures and basically told rate payers what they already know, and showed them pictures of things they see all the time. If the Trust has so much money that it can spend it that way, then one begins to question how well it sheppard's our funds.

Help light the world
d.light | A Brighter Future | <http://www.dlightdesign.com>

From: tlaw1@telus.net
To: rhgoldman@hotmail.com
Subject: Re: Special LTC Meeting - August 12
Date: Wed, 8 Aug 2012 18:59:14 -0700

Submission to Community Plan Meeting August 12 2012:

In accord with the letter dated June 11 2005 signed by 100% of the immediate neighbours of Bradsdadsland and the subsequent letter of commitment to delete all references to changing the zoning status of Bradsdadsland by Tony Law sent to each of those immediate neighbours dated October 10 2005, I register my objection to clause 6.5.2.5 of the current Draft of the Community Plan referring to changing the status of Bradsdadsland to Visitor Accommodation and request that this be completely deleted as per the agreement with Tony Law.

Elizabeth Kennedy

2750 Shingle Spit Road

Hornby Island BC V0R 1Z0

250-335-2633

Email: betty.k@telus.net

June 11, 2005.

Islands Trust
200 1627 Fort St
Victoria BC V8R 1H8

Re: Hornby Island Land Use Bylaw No. 105, 2005.

We, the immediate neighbours of Bradsdadsland, recognize the Court Ruling allowing the campground at Bradsdadsland as a legally nonconforming use in a Rural Residential Zone.

We are adamantly opposed to any Rezoning and/or potential changes to the Court Ruling such as those proposed in the Land Use Bylaw (No.105).

The collective opposition of the neighbours was instrumental in obtaining the Court Ruling. Having neither been properly informed nor consulted during the OCP process regarding this issue, we cannot imagine how the OCP can be perceived to have evolved any mandate to change the Court Ruling in any sustainable way.

Peter Hickman

Nicki Johnson

Janet Hickman

Grant Scott
Carol Scott
Denise Fenwick

Betty Kennedy

Don McNeil

Mary Joyce

Don Joyce

OSM

Mary Saville

Dup Gordon

CC: Hornby Island Local Trust Committee, David Essig, Chair, David Marlor, Planner.

Tony Law
(Hornby Island Trustee)
Box 13, Hornby Island,
B.C. V0R 1Z0

To: Peter Hicken, Janet Hicken, Betty Kennedy, Dan Milek, Marg Joyce, Don Joyce, Jeffrey Runinoff, Mary Savoie, Kim McGee, Ivy Gordon, Nicki Johansen, Grant Scott, Carol Scott and Denise Fenwick, Hornby Island, BC

cc: Isaac Kramer, Eleanor Kneffel, David Marlor

10 October 2005

Dear Peter, Janet, Betty, Dan, Marg, Don, Jeffrey, Mary, Kim, Ivy, Nicki, Grant, Carol and Denise:

re: **Bradsdadsland**

This is further to my letter of 19 July to all of you.

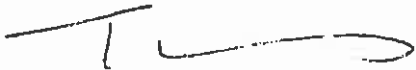
Eleanor Kneffel and I have been working with staff on preparing draft amendments to the existing Land Use Bylaw to implement the Official Community Plan and to reflect community input. We have now completed a Working Draft which will be referred to the Advisory Planning Commission for its review and recommendations.

Please note that in this draft, the property known as Bradsdadsland will continue to be zoned "Rural Residential" as in the current Land Use Bylaw. There is no reference to its use as a campground, though it would retain its legal non-conforming status.

Draft amendments to the Official Community Plan have also been proposed to address issues that cannot be implemented in the Land Use Bylaw, or where strong community opposition has emerged to the implications of existing policies. These draft amendments include proposals to remove the designation of Bradsdadsland as Visitor Accommodation and its inclusion in a Development Permit Area.

I just wanted you to know that your input has been heard and acted upon.

Sincerely,



Tony Law
Hornby Island Local Trustee



J. Reeves
P.O. Box 1
Hornby Island
B.C. VOR 1Z0
Tel: 250-335-0753

Sonja Zupance
Islands Trust
700 North Road
Gabriola Island
BC VOR 1X3

13th August 2012

Dear Ms. Zupance:

I am enclosing documents regarding the O.C.P. Tony Law sent me a copy of the draft (partial) particularly mentioning policy number 6.5.1.4. Unfortunately I was unable to attend the recent meeting on Aug. 12 at New Horizons.

I am therefore enclosing of copies of the feelings of members of the "Village". Residents at the 4 Corner presented in 2009. Ninety signatures of Island people are also available. Many on this Island have been contacted regarding the O.C.P. future

planning and hope fully
will be present at the
September Meeting which Tony Law
tells me will be happening.

Thank you for the work
you are engaged in to bring
this policy to our attention.

Yours faithfully

Joy Reeves
Resident at
4 Corners.



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Vacation Home Rentals - Regulations Review	Staff to develop a communications policy re: new regulations and proposed bylaw 145.	Feb-03-2012	Sonja Zupanec	Apr-30-2012	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Feb-03-2012	Sonja Zupanec		On Going
3	Riparian Areas Regulation mapping and implementation.		Feb-03-2012	Sonja Zupanec	Dec-31-2012	On Going



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going
3	GHG Emissions Reduction	<i>Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going

Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2012.1	(Remi Savoie) Planner: Marnie Eggen	Feb-21-2012	to create a 1.01 ha parcel under section 946 for family member

Planning Status

Status Date: Jun-06-2012

Forwarded to ALC

Status Date: Jun-01-2012

LTC passed resolution to forward application to ALC

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2011.1	Hornby Island Resort Ltd (The Thatch) Planner: Sonja Zupanec	Sep-22-2011	year round 50 seat restaurant and pub, liquor store, managers suite and 15 visitor accommodation strata units

Planning Status

Status Date: May-16-2012

Staff report for DP and DVP prepared for June LTC meeting

Status Date: Dec-30-2011

Applicant advised that DVP is required for height and setbacks.

Status Date: Oct-11-2011

Staff review of SUP requirements - contact with architect regarding setbacks; floor area; parking and siting questions

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.2	John Ross	Feb-28-2012	Hornby Island Resorts Ltd. Variance for change in height of residential units and setback to road of pub/restaurant.

Planner: Sonja Zupanec

Planning Status

Status Date: May-14-2012

Revised plans received - staff report to HOLTC for June meeting

Status Date: Apr-20-2012

On hold - waiting for revised plans prior to proceeding with staff report and DVP notices

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.3	Toby Krell	Jun-27-2012	variance for front lot line that is 1/3 the length of its longest side lot line

Planner: Sonja Zupanec

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele	Apr-29-2010	

Planner: Marnie Eggen

Planning Status

Status Date: Jun-21-2011

Forwarded covenant to applicant for acceptance

Status Date: Jun-16-2011

Rcv'd reviewed covenant from legal counsel

Status Date: Jun-14-2011

Letter to MOTI requesting RAR Assessment Report based on new information and revised PLA

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.2	Toby Krell	Apr-05-2012	4330 Central Road, Hornby Is, BC 2 lot subdivision

Planner: Sonja Zupanec

Planning Status

Status Date: Jun-19-2012

Status Date: Jun-19-2012

asefsdf

Status Date: May-14-2012

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.3	Peter Mason	Apr-26-2012	1410 Carmichael Road (Gustein & Burrows) 2 lot subdivision

Planner: Linda Prowse

Planning Status

Status Date: May-18-2012

Referral response sent to the Ministry of Transportation and Infrastructure

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch)	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern

Planner: Marnie Eggen

Planning Status

Status Date: Oct-03-2011

Pending outcome of DP and DVP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.13	5405 Jerow Road	Dec-06-2011	construct a cottage

Planner: Marnie Eggen

Planning Status

Status Date: Dec-06-2011

Requested further information

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2012.7	Norma Butterfield	Jun-14-2012	5515 Seawright Road one garage one workshop with bathroom and laundry

Planner: Marnie Eggen

Planning Status

From: Nicole Ranger
Sent: August-09-12 9:37 AM
To: Hornby Island Local Trust Committee; Theresa Warren; Becky McErlean
Cc: Cindy Shelest
Subject: Hornby LTC expenses - July 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to July 31, 2012

635 Hornby	Invoices posted to July 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,300.00	225.70	1,074.30
65200	LTC Local Exp LTC Meeting Expenses	3,200.00	1,445.69	1,754.31
65210	LTC Local Exp APC Meeting Expenses	300.00	161.42	138.58
65220	LTC Local Exp Communications	400.00	120.00	280.00
65230	LTC Local Exp Special Projects	500.00	-	500.00
65240	LTC Local Exp Miscellaneous	200.00	-	200.00
TOTAL LTC Local Expense		4,600.00	1,727.11	2,872.89
72300	Project OCP update	8,000.00	1,478.63	6,521.37

Thanks,

Nicole Ranger
 Finance Clerk

From: Nancy Roggers
Sent: September-06-12 3:22 PM
To: Alex Allen; David Graham; Sonja Zupanec; Tony Law; Becky McErlean
Cc: Cindy Shelest
Subject: Hornby LTC Expense report - Aug/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to August 31, 2012

635 Hornby	Invoices posted to August 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,300.00	225.70	1,074.30
65200	LTC Local Exp LTC Meeting Expenses	3,200.00	1,575.17	1,744.31
65210	LTC Local Exp APC Meeting Expenses	300.00	161.42	138.58
65220	LTC Local Exp Communications	400.00	160.00	240.00
65230	LTC Local Exp Special Projects	500.00	-	500.00
65240	LTC Local Exp Miscellaneous	200.00	-	200.00
TOTAL LTC Local Expense		4,600.00		2,822.89
73001-635-2004	Hornby OCP/LUB	8,000.00	1,478.63	6,521.37

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

From: Jennifer Eliason
Sent: August-02-12 1:50 PM
To: Robert Kojima; Chris Jackson; Leah Hartley; Courtney Simpson
Cc: David Marlor; Lisa Gordon
Subject: Trust Fund Board referral of ITF Five-Year Plan

Hello Regional Planning Managers,

Please find attached a briefing and draft of the Islands Trust Fund Five-Year Plan 2013-2017. Our *Islands Trust Fund and Local Planning Services Coordination* policy and memoranda of agreement between the Trust Fund Board and all LTCs and IMs dictate that any new or revised version of the Islands Trust Fund Five Year Plan be referred to the LTCs/IMs for comment. Could you please provide these documents to the relevant planners to ensure it is brought to the next local trust committee meeting for each area? We are asking for responses by September 30th, but would appreciate receiving them as soon as possible. We do not require a resolution of the LTC or endorsement, but do ask that any comments provided are those of the LTC (not individual trustee responses). The Plan itself is quite straightforward, and reflects the Board's current policies and the Regional Conservation Plan. If you or the planners have any questions, or would like additional information, please do not hesitate to contact me.

With thanks,

Jennifer Eliason
 Manager
 Islands Trust Fund
 200-1627 Fort St.
 Victoria, BC V8R 1H8

tel: (250) 405-5191 fax: (250) 405-5155
www.islandstrustfund.bc.ca

A conservancy for Canada's islands in the Salish Sea.

ISLANDS TRUST FUND BRIEFING

DATE: August 2, 2012

TOPIC: ISLANDS TRUST FUND FIVE YEAR PLAN 2013-2017

DIRECTED TO: All Local Trust Committees and Bowen Island Municipality

COPIES TO: Lisa Gordon, Director, Trust Area Services
David Marlor, Director, Local Planning Services
Kathy Lalonde, Interim CAO, Bowen Island Municipality

DESCRIPTION OF ISSUE: The *Islands Trust Act* requires that the Trust Fund Board prepare and submit to the Minister, at least once every 5 years, a plan for the trust fund respecting policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required.

Islands Trust Policy 3.3.ii) *Islands Trust Fund and Local Planning Services Coordination* (TFB Policy 96010) requires the Plan to be referred to every LTC and Island Municipality for comment (not endorsement). The Trust Fund Board will also be submitting the Plan to Trust Council for endorsement at its September 2012 meeting.

BACKGROUND: The Islands Trust Fund Plan is administrative in nature, and explains current Trust Fund Board policies on land acquisition, management and disposition of land, and investment of funds. It also summarizes the Regional Conservation Plan.

It is important to distinguish between the Islands Trust Fund Five-Year Plan which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Trust Fund Board and its staff. The documents are complementary, but serve different functions.

DESIRED OUTCOME: The Trust Fund Board seeks comments from local trust committees / Bowen Island Municipality (LTCs/BIM) on the content of the plan. Comments should be received no later than **September 30, 2012**, although earlier comment is appreciated.

ATTACHMENT(S): Draft Islands Trust Fund Five-Year Plan 2013-2017

FOLLOW-UP: LTC and BIM comments are due to **Jennifer Eliason, Manager of the Islands Trust Fund** jeliason@islandstrust.bc.ca by **September 30, 2012**.

While we do not require a resolution of the LTC/IM, we would appreciate any comments provided being those of the LTC/IM (not individual trustee/councilor responses). A final version of the Islands Trust Fund Board Five-Year Plan 2013-2017 will be submitted to the Minister of Community, Sport and Cultural Development in October 2012.

PREPARED BY: Jennifer Eliason, Manager, Islands Trust Fund

REVIEWED BY: Lisa Gordon, Director of Trust Area Services

ISLANDS TRUST FUND

FIVE-YEAR PLAN

2013-2017

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Appendices

- A) List of properties protected by the Trust Fund Board**
- B) List of Trust Fund Board policies**

1. The Trust Fund Board Mandate, Vision and Mission

The Legislated Mandate of the Trust Fund Board

In 1974 the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and diverse ecosystems should be protected for future generations. Through the *Islands Trust Act*, the province established the Islands Trust, a local government, with the following mandate (known as the Object of Islands Trust):

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Fund was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Trust Fund Board.

Under the *Islands Trust Act* (Section 44)

- (1) the Trust Fund Board must prepare and submit to the Minister, at least once every five years, a plan for the Trust Fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister of Community Services.
- (2) The Trust Fund Board must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

The Trust Fund Board is one of fifteen corporate entities* charged to uphold the Object of the Islands Trust. It is responsible for the actions of the Islands Trust Fund and since 1990 has protected almost 1,075 hectares of land as nature reserves, nature sanctuaries or conservation covenants.

The **vision of the Islands Trust Fund** is that the islands and waters of the Strait of Georgia and Howe Sound will be a vibrant tapestry of culture and ecology

* The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, twelve local trust committees, one island municipality and the Trust Fund Board.

where humans live and work in harmony with the natural world. This special place will have a network of protected areas that preserve in perpetuity the native species and natural systems of the islands. Engaged residents and conservation partners will work together to protect large natural areas and key wildlife habitat. Viable ecosystems will flourish alongside healthy island communities.

The **mission of the Islands Trust Fund** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The Coastal Douglas-fir zone is one of B.C.'s rarest biogeoclimatic zones and is of great conservation concern. Many of the ecosystems of this zone are globally rare. In 2007, scientists advised the provincial government that the Coastal Douglas-fir zone is at high risk of disappearing. In 2010, the Forest Practices Board found that the amount of Crown land available for ecosystem protection was insufficient to maintain the viability of the Coastal Douglas-fir zone. It wrote "private landowners, federal and local governments, and non-government conservation agencies will have to fill the gap".

The Islands Trust Area holds 46% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. The Islands Trust Fund's work encouraging and assisting private landowners to protect ecologically valuable land in this zone is vital to the government's efforts to protect these important and imperiled ecosystems.

The undeniable beauty of the Islands Trust Area attracts visitors and residents to this region each year. More than 65% of the Islands Trust Area is privately owned, and over 3.3 million people live in the surrounding areas. The pressure to develop and change the natural landscape in the islands is tremendous. Biodiversity here is exposed to some of the highest threat levels in British Columbia. The conservation work of the Islands Trust Fund is critical in ensuring that the natural beauty that draws so many to the region is not lost.

2. Trust Fund Board Successes

Protected Lands

Since its inception in 1990, the Trust Fund Board has protected over 1000 hectares of ecologically-significant natural area on the islands. As of July 2012, the Trust Fund Board has acquired 21 properties, and worked with private landowners to register 63 conservation covenants for a total of 84 protected areas, covering 1,074 hectares (2,654 acres).

See Appendix A for a list of properties.

Collaboration

The Trust Fund Board supports and enhances the capacity of the local island-based conservancy groups through funding grants, partnership projects and facilitating education opportunities. The Trust Fund Board's Opportunity Fund is funded by private donations and has provided more than \$40,000 in grants to local conservancies, helping protect more than 300 additional hectares of land¹ since it was developed in 2005.

Strategic Planning

In 2010 the Trust Fund Board approved a new Regional Conservation Plan. The 2011-2015 Regional Conservations Plan was developed using the most up-to-date information on sensitive ecosystems, species at risk and the current threats to their survival. Island communities and conservation experts throughout the region were consulted during the development of the plan, resulting in a guide that sets a course for protecting island landscapes through collaboration and cooperation.

Private Land Stewardship

The Trust Fund Board's innovative financial incentive program for private landowners to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), is now available in 12 local trust areas. The program provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant. Many local governments in BC are now interested in seeing a program like NAPTEP expanded throughout the Province.

Growth and Organizational Stability

Other accomplishments in the last five years include the establishment of a Covenant Management and Defence Fund to help provide for the long-term stewardship needs of covenant lands, the protection of two parcels of Crown land in Howe Sound (Mt. Artaban Nature Reserve on Gambier Island and Fairy Fen Nature Reserve on Bowen Island) and the development of two geographically-restricted funds dedicated to land acquisition, the Lasqueti Island Acquisition Fund and the Gambier Island Acquisition Fund.

The Trust Fund Board also launched a new logo and website in 2012, revitalizing the image of the Islands Trust Fund as an important conservation organization, connected to, yet distinct from, the Islands Trust.

¹ Opportunity fund grants have been awarded to the Salt Spring Island Conservancy, Galiano Conservancy Association, Mayne Island Conservancy Society, Lasqueti Island Nature Conservancy, and TLC The Land Conservancy of BC.

3. Trust Fund Board Strategic Direction (2013-2017)

Organizational Development

Over the past several years, the Trust Fund Board has given increased attention to anticipating and addressing the long-term funding needs of the Islands Trust Fund, to ensure adequate funding exists into the future to meet its stewardship commitments. The Trust Fund Board's Long-term Funding Committee worked for two years, with the assistance of a consultant, to develop a strategy to address this need. Refinement and implementation of this strategy continues to be a focus of interest for the Board, with a current emphasis on building community and donor support. Current efforts to raise the organizations profile include a new logo and website, launched in 2012.

Stakeholder research undertaken in 2010 as part of the development of a communications strategy clearly identified the name *Islands Trust Fund* as a source of confusion and an impediment to effective fundraising and organizational development. This confirmed for the Trust Fund Board that changing the name and corporate structure, as set out in the *Islands Trust Act*, would be necessary to fully realize the organization's potential. Several prospective names were reviewed by the Board, and after thoughtful consideration and focus group testing, the name *Islands Trust Conservancy* was selected. The name maintains the connection to the Islands Trust, but better reflects the land conservation function of the organization. The Board is currently seeking legislative change to make the required changes.

The requested legislative amendments put forward by the Trust Fund Board would simplify the corporate structure of the organization under the name *Islands Trust Conservancy* and would greatly assist efforts to develop the brand, communicate and fundraise effectively, and improve operational efficiencies.

Regional Conservation Plan

In December 2010, the Trust Fund Board approved a new five-year Regional Conservation Plan (2011-2015). The Regional Conservation Plan is a tool used by the Islands Trust Fund to focus its resources – staff, board, financial – on areas with the highest biodiversity values and greatest need for conservation. It can also be used by Islands Trust decision makers to support ecologically responsible land use planning and has been designed as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and local knowledge, the 2011-2015 Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing

landowners. Other strategies involve working with partner agencies and local trust committees to increase our knowledge base, encouraging protection of private land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2011-2015 Regional Conservation Plan

To protect biodiversity, the 2011-2015 Regional Conservation Plan focuses the Islands Trust Fund's future conservation efforts on these priorities:

- **Rare and fragile ecosystems** such as cliffs, wetlands, old forests, woodlands, riparian, herbaceous, and freshwater ecosystems
- **Representative ecosystems** - reasonable levels of all ecosystem types
- **At risk species and ecosystems**
- **Nearshore zone areas** such as beaches, bluffs, forage fish habitat, and kelp and eelgrass beds
- **Islets and small islands**

The 2011-2015 Regional Conservation Plan sets out seven long-term goals that reflect the enduring aspirations of the Islands Trust Fund to work with landowners and partner organizations to protect the rich biodiversity of the Islands Trust Area:

Goal 1. Secure* core conservation areas that effectively conserve biodiversity priorities within the Islands Trust Area and within individual local trust areas or island municipalities

- Based on the identified biodiversity priorities, identify 3,000 hectares of priority lands for conservation within the Islands Trust Area
- Develop a strategic plan for the creation of core conservation areas that protect biodiversity priorities, including a proposed budget/financing plan
- Implement the recommendations of the core conservation area strategic plan, including acquiring sufficient funding, with the aim of securing, through acquisition, bequest, donation or conservation covenant, at least 500 hectares within the timeframe of the 2011-2015 Regional Conservation Plan
- Work with partner organizations to acquire at least 20 hectares of publicly accessible natural park or nature reserve on Thetis Island
- Assist other organizations with efforts to protect lands in the Islands Trust Area that protect the biodiversity priorities identified in the 2011-2015 Regional Conservation Plan

* Land is secured through direct purchase, land donation, bequests, conservation covenant (including through the Natural Area Protection Tax Exemption Program) or through the granting of a Life Estate. It is intended to be a permanent protection of land. The Islands Trust Fund does not acquire land through expropriation.

Goal 2. Investigate the protection of biodiversity priorities on lands outside of core conservation areas, including working landscapes

- Improve mapping of current land uses, especially of areas under active agricultural and forest management. Note areas where Environmental Farm Plans or Ecoforestry Management Plans are in place
- Identify residential neighbourhoods where there are high biodiversity priority areas that are impractical for land securement efforts. In consultation with local conservation organizations and local trust committees/island municipalities, conduct focused landowner contact programs in these areas
- Identify organizations managing working lands that also protect natural values and provide information and links to these organizations on the Islands Trust Fund website
- Research staff and resource requirements of organizations that protect conservation lands that include working landscapes and cultural features. Assess capacity of Islands Trust Fund and prepare a report, for consideration by the Trust Fund Board, detailing requirements (staff & budget) for acquiring and managing working and cultural lands

Goal 3. Work with partner organizations to conserve marine ecosystems and habitats

- Provide support to partners for improved nearshore mapping and data collection projects, including mapping of eelgrass and kelp beds and forage fish habitat, which cover the entire Islands Trust Area
- As nearshore mapping becomes available for the entire Islands Trust Area, work with partner agencies to perform data analyses to identify important habitat areas and provide this information to local trust committees and island municipalities
- Coordinate a reporting system for Trust Area Services and Local Planning Services to provide regular updates on the progress of marine initiatives such as the Green Shores for Homes program and the National Marine Conservation Area

Goal 4. Work with the Islands Trust Council, local trust committees and island municipalities to implement and accentuate Regional Conservation Plan goals and objectives within official community plans and land use bylaws

- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the protection of sensitive ecosystems in official community plans and land use bylaws

- Develop mapped protected area networks based on the biodiversity priorities for each of the thirteen major islands and larger associated islands, as needed
- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the creation of protected area networks in official community plans and land use bylaws
- Assist local trust committees and island municipalities with obtaining the information required to include provisions for the protection of nearshore marine habitats in official community plans and land use bylaws
- Work with Islands Trust Council to encourage incorporation of the goals and objectives of the 2011-2015 Regional Conservation Plan into Islands Trust policies and strategic planning documents
- Work with Local Planning Committee to establish a program for ongoing terrestrial ecosystem and sensitive ecosystem mapping updates

Goal 5. Promote community participation in conservation within the Islands Trust Area through effective stewardship and management of private lands, information sharing and support of conservation education

- Produce and distribute an Islands Trust Fund newsletter (currently, the Heron) at least twice each year
- Contribute two articles per year about the natural history and stewardship of the Islands Trust Area to local papers and newsletters
- Research and develop landowner contact programs that educate about biodiversity priorities and conservation options. Conduct a pilot landowner contact program in an area that is not served by a local conservancy organization. Evaluate the success of this program and explore future opportunities in other areas as appropriate

Goal 6. Support and enhance the work of conservation partners working in the Islands Trust Area

- Provide funding and support for networking opportunities between island conservation groups on an annual basis
- Provide training opportunities to organizations involved in conservation in the Islands Trust Area
- Provide mapping and other data as needed to organizations involved in conservation in the Islands Trust Area

- With proceeds from donations and fundraising revenue, continue to operate the Opportunity Fund as a source of startup funds for land protection projects of partner organizations

Goal 7. Monitor and manage existing Islands Trust Fund conservation areas to maintain and enhance existing biodiversity and cultural features, with the understanding that ecosystems are continuously in a state of change

- Establish a species at risk monitoring program on Islands Trust Fund owned and covenanted lands where known populations of species at risk have been found. Adapt property management based on monitoring program findings
- Where previous populations of species at risk have been identified historically and where areas have high capacity to support species at risk on Islands Trust Fund owned and covenanted lands, conduct inventories to locate species at risk or record their absence
- Establish an invasive species monitoring and removal program for Islands Trust Fund owned and covenanted lands
- Where significant ecosystems exist, as identified by Islands Trust Fund staff, establish ecosystem monitoring programs to monitor their change over time with a view towards managing for maintenance of ecological integrity

Progress is being made in many of these areas. The Regional Conservation Plan is reviewed annually as part of an adaptive management process which can include revising or adding goals, depending on new data or changing circumstances. The full 2011-2015 Regional Conservation Plan is available on-line at www.islandstrustfund.bc.ca

4. Trust Fund Board Policies

The Trust Fund Board is a member of the Land Trust Alliance of BC and, except for practices that are not applicable to a government agency, meets the Standards and Practices of the Canadian Land Trust Alliance.

Below is a summary of Trust Fund Board policies affecting the public interest. A full list of policies can be found in Appendix B.

4.1 Acquisition of Property and Covenants

Under the *Islands Trust Act*, the Trust Fund Board can accept donations and grants of private land, Crown Land, conservation covenants, cash and securities, and other real property in support of the protection of the Islands Trust Area.

The Trust Fund Board is a corporation that is, for all purposes, an agent of the government, and accordingly can issue receipts for income tax purposes for donations and is exempt from paying property taxes on its lands.

The Trust Fund Board is an approved recipient of gifts of land and interests in land through Environment Canada's Ecological Gifts Program.

The Trust Fund Board is not limited to acquiring property for itself. It can, for example, contribute to the acquisition of a property within the Trust Area by another agency or group provided that protection in perpetuity is reasonably assured.

Land donation is the preferred method of protecting land. The Trust Fund Board also accepts donations of conservation covenants, applies for Sponsored Crown Grants and partners in the purchase of exceptional properties within the Islands Trust area. In all cases, the Trust Fund Board will work with Trust Council to ensure that sufficient resources will be available for long-term management of those properties.

The Trust Fund Board will encourage owners of land within ecologically significant areas or with significant characteristics or values identified in the Regional Conservation Plan to protect their land using binding conservation covenants and will work with interested owners to achieve protection of significant areas on all the Islands.

The Trust Fund Board will continue to work with Trust Council to promote and expand the Natural Area Protection Tax Exemption Program (NAPTEP) to the entire Trust Area. The program provides a property tax incentive for property owners who register conservation covenants on their lands to protect the natural features and values of their properties.

As a further measure of protection, wherever possible, the Trust Fund Board will develop and register a conservation covenant on each of its owned lands if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

The Trust Fund Board may refuse to acquire properties with existing conservation covenants that include rent charges². Rent charges will not be included in covenants to be registered on Trust Fund Board owned properties as the Board cannot incur liabilities without Ministerial approval.

² "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

4.2 Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long term protection of the significant features and values. Active management of protected areas is also necessary. The Trust Fund Board's objective in managing its properties is to protect public safety and ecological values. Lands owned by the Trust Fund Board are not parks but are nature reserves and nature sanctuaries, and this concept is considered in both acquisition discussions and management planning initiatives of the Trust Fund Board. The Trust Fund Board's properties are privately insured as nature reserves, and not as public parks.

In order to effectively preserve and protect ecologically significant areas, the Trust Fund Board works cooperatively with landowners, Local Trust Committees, Island Municipalities, Trust Council, other conservation groups, individuals and various levels of government.

Qualified personnel will develop management plans for all lands owned by the Trust Fund Board. Management plans will be used to provide long term direction regarding allowable public use, the reduction of risk to public safety and the reduction of risk to ecological values and other significant features.

When the Trust Fund Board receives donations of land, it will consult with the donor(s) regarding any specific wishes they might have for the property and will take these comments into account in management planning.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history and local and regional context;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural sites.

The Trust Fund Board will seek assistance from local community groups to implement management plans and, where appropriate, will request such groups to enter into management agreements with the Board regarding management operations and responsibilities.

The Trust Fund Board will monitor all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed by the Board or the management group, and identify and respond to any breaches to the terms of a covenant.

The Trust Fund Board will request, where necessary, that the Local Trust Committee or Island Municipality re-designate and rezone Trust Fund Board lands to the most appropriate designation and zone for nature protection when it is reviewing its Official Community Plan and/or Land Use Bylaw and will work with the Local Trust Committee to determine the most appropriate designation and zone.

Where land or interests in land have been donated through Environment Canada's Ecological Gifts Program, the Trust Fund Board will manage them to maintain the values protected under the program.

4.3 Disposition of Property

The Trust Fund Board intends to maintain its protected areas in perpetuity. However, there are circumstances where the Trust Fund Board will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If the Trust Fund Board receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, the Trust Fund Board may sell the land and use the proceeds to further its conservation objectives.

If the Trust Fund Board receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, the Trust Fund Board will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the Board.

The Trust Fund Board will only dispose of the fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the Board. If the land, or interest in land, was acquired as an Ecological Gift, prior written authorization from Environment Canada must be received before proceeding with a disposition.

When considering a transfer of ecologically significant land, the Trust Fund Board may:

- a. transfer the land on condition that it be used for conservation purposes, or transfer the land as determinable fee simple providing that the land will revert to the Trust Fund Board if the land is no longer being used for the specified purposes.
- b. register a conservation covenant on title to the land before the transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

4.4 Investment of Funds

Trust Council approves an annual budget for the administrative operations of the Trust Fund Board. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, communications, land and covenant negotiations, and property management costs. However, the operating budget is not intended to be used for direct acquisition of properties (i.e., purchase costs). Accordingly, to buy land or contribute to acquisitions by other agencies, the Trust Fund Board must raise additional funds. The *Islands Trust Act* provides the Board with the ability to raise funds in a variety of ways.

The Trust Fund Board is now routinely suggesting cash endowments with land donations, to ensure that there are funds available to manage the land in perpetuity. The Board invests these endowments only with institutions whose investment policies are consistent with the *Trustee Act*, and whose withdrawal policies allow retrieval of the full investment if required.

4.5 General Accounting

The financial transactions of the Trust Fund Board are carried out using standard accounting procedures and are subject to an annual audit by a recognized financial management company.

To ensure financial accountability, the Trust Fund Board will:

- follow the purchasing policies established by Trust Council,
- direct staff to track all income and expenses and provide the Trust Fund Board with updates at regular board meetings,
- require prior approval from the Islands Trust Fund Manager for expenditures up to and including \$5,000, and

- require prior approval of the Board Chairperson for expenditures in excess of \$5,000 unless a prior resolution from the Board approves a plan, project or policy authorizing such an expenditure.

The Trust Fund Board will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

5. Conclusion

Guided by the Regional Conservation Plan, the Trust Fund Board will continue to pursue its mandate in accordance with its policies and in partnership with island communities as well as local, regional, provincial and national conservation agencies.

The Board will continue to strive for organizational excellence, and to eliminate barriers to its continued success. If the requested legislative amendment is achieved, resulting in a change of name and corporate structure for the organization, the Board hopes to embark on a new era of fundraising and growth. With excellent working relationships with the island-based and regional land trusts and strong connections to local governments, the Trust Fund Board is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

We look forward to the next five years of conservation successes, inspired by the generosity and perseverance of our island partners and donors, and the endless beauty of fragile island ecosystems.



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone **250 247-2063** FAX: 250 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date August 31, 2012 File Number 3440 Hornby and Denman

To Hornby and Denman Island Local Trust Committees

From Sonja Zupanec
Island Planner
Local Planning Services

Re Special Occasion Licence jurisdiction

The Liquor Control Licencing Board (LCLB) recently advised that local governments are to be consulted in regard to all public events being held in their jurisdiction where special occasion licences (S.O.L) are required. The current practice is for applicants to receive approval from the Islands Trust before bringing the special occasion licence to the local RCMP detachment for final approval.

Staff signs off very few of these applications for the Northern Islands (primarily Gabriola island). However, in order to streamline the process, the Comox Valley RCMP are requesting that the Hornby and Denman LTC's grant them the signing authority for these licences by way of a letter. This would mean that applicants would not be required to consult with the local government prior to submitting their application for a S.O.L. to the RCMP. The RCMP would evaluate security plans and the terms and conditions of the S.O.L application (see attached).

Staff recommends that both the Hornby and Denman LTC's consider passing the following resolution:

"THAT the _____ Local Trust Committee request staff to prepare a letter to the Comox Valley RCMP Detachment Staff Sergeant Andrew Isles advising that the LTC delegates the approval of special occasion licences to the Comox Valley RCMP detachment effective immediately."

copy Chris Jackson, Regional Planning Manager, Northern Office
Courtney Campbell, Island Planner, Denman Island Local Trust Committee



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

Officer in Charge
Comox Valley R.C.M.P. Detachment
800 Ryan Road
Courtenay, BC V9N 7T1

Your File - Votre référence

Our File - Notre référence

Mr. Chris Jackson
Regional Planning Manager, Northern Island
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Date

August 22, 2012

Dear Mr. Jackson:

RE: SPECIAL OCCASION LICENCES

This letter is in regards to changes to the issuance of Special Occasion Licences (S.O.L.).

The Liquor Control Licencing Board (L.C.L.B.) has recently advised that local governments are to be consulted in regard to all public events being held in their jurisdiction where special occasion licences are required. This means that, currently, the S.O.L. applicant must first receive the approval of the local government before bringing the S.O.L. to the detachment for final approval.

In order to streamline this process, local governments may grant the local R.C.M.P. Detachment with blanket signing authority. This signing authority is usually granted through a bylaw or with written approval of the local governing body, in this case, Islands Trust for Denman and Hornby Islands.

In order for the regional planners of Hornby/Denman Islands to make a decision regarding the granting of blanket signing authority for Special Occasion Licences to this detachment, I have enclosed some pertinent documents. If you choose to delegate the approval of the S.O.L. to this detachment please reply, in writing, to the undersigned.

If you have further questions regarding the above, please contact Staff Sergeant Andrew Isles at 250-338-1321.

Yours sincerely,

(B.K. McDonald), Inspector
Officer in Charge
Comox Valley Detachment
"E" Division

/ls



Encl: 2

Canada

Appendix 7: Security Plan Guideline

Security Plan Guideline for Large Events Liquor Control and Licensing Branch

A Security Plan is required for anyone organizing a large special event, with more than 500 people expected to attend.

The following is a model that you – the special occasion organizer(s) for a large event– may choose to follow, or you may develop your own Security Plan.

LCLB will review your Security Plan to determine that you will be able to:

- ensure that no intoxicated person is served
- prevent disturbances and accidents
- mitigate risk by knowing when to call the police
- prevent unauthorized liquor on the premises during the event, and
- not serve minors.

Space and Capacity

1. If the location where you are holding this event is licensed:

- a) what is the person capacity of the licensed area – including any patios or secondary rooms – as listed on the liquor licence? _____
- b) what is the occupant load issued by the fire authority? _____

2. If the location where you are holding this event is not licensed, what is the occupant load issued by the fire authority? _____

3. How many people (approximately) do you expect to attend the event? _____

4. How will people gain admission to the event? (check all that apply)

- ☐ Pre-sold Tickets
- ☐ Invitation
- ☐ Purchase tickets at the door
- ☐ Guest book sign in
- ☐ Free admission
- ☐ Other (specify) _____

5. What physical control barriers (i.e., fencing, barricading, walls, locked or limited access doors) will be in place to control and limit access to and from areas where alcohol is being sold or served?

6. Please provide a detailed diagram of the event site, showing control measures limiting access to and from areas where liquor will be sold.

Security

7. How many door staff are scheduled for the event? (Note: depending on the specifics of room layout and the nature of the event, the usual minimum ratio of door staff to patrons is 1:50).

8. Identify the number of persons from each category below responsible for door entry and security:

____ Police

____ Volunteers

____ Licensed Security Company (specify name)

____ Individuals hired by yourself or by the event sponsor

Minors

9. Is the event "all ages" or 19 and over only?

____ All Ages

____ 19 and Over Only

10. If the event is all ages, please explain in detail what measures are in place to prevent under-aged individuals from obtaining alcohol at the event.

Wrist-banding procedure:

ID-checking procedure:

Signage:

Other:

Special Occasion Licence Major Events

TERMS and CONDITIONS

Created
May 2012

Special Occasion Licence: Major Events Terms and Conditions / Host Responsibilities

A GUIDE FOR MAJOR EVENTS IN BRITISH COLUMBIA

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Introduction

Special Occasion Licences encompass a broad range of events, from small family weddings to music festivals with 5,000 people in attendance, or more. This document focuses on major events, ones which by virtue of the number of people attending, nature of the venue, characteristics of the event, or impact on the local community may require additional planning and review by the police and a liquor inspector.

The terms and conditions (rules) in this document apply to all Special Occasion Licence events. They are imposed to ensure your event is safe and enjoyable – that the risk to the public associated with drinking is kept to a minimum. However, because risk levels may differ between various types of major events (for example an indoor sit-down banquet for 600 people and an outdoor summer rock concert for 10,000), some of the terms and conditions in this document may be customized by the liquor inspector to fit your event.

This document focuses on the provision of liquor service at your Special Occasion Licence (SOL) major event. It is intended to help you host a safe and responsible event - one which complies with the liquor laws of British Columbia. This document describes the requirements of the *Liquor Control and Licensing Act* (the Act) and *Regulation*, and *Terms and Conditions* imposed by the General Manager of the Liquor Control and Licensing Branch (LCLB) under Section 12 of the Act. While the information contained in this document is accurate, the provisions of the Act and regulations prevail. You may be asked to sign a receipt acknowledging that you have received this document.

The requirements and the terms and conditions contained in this document apply to your event. In addition, where the police and liquor inspectors believe it necessary for public safety, they may impose additional terms and conditions not contained in this document. Other terms and conditions may be imposed by the LCLB as well.

As the licensee and host of a major SOL event you must comply with these requirements and all others imposed by LCLB, on behalf of the General Manager. Failure to do so may result in monetary penalties and/or other penalties including the prohibition from holding future SOL events. Monetary penalties are significant: the penalty for a first contravention for selling liquor to a minor ranges between \$7,500 and \$10,000; for selling liquor to an intoxicated person, between \$5,000 and \$7,000. Please see the *Appendix 1* for more information.

Help is available: Hosting a major SOL event is a big undertaking. The various agencies you may be working with (local government, police, LDB, LCLB exemptions, First Nations, etc.) all need time to process your requests or applications. Please check with them to ensure you meet their deadlines.

Your local liquor inspector is available to work with you in planning your event to ensure liquor service is provided in a safe and responsible manner.

Please note: In this document “you” refers to a person designated by the licensee organization or group to apply for the SOL (and whose name appears on licence) and to be responsible for liquor service at the event, and the licensee organization or group, event staff and volunteers, and security staff.

Liquor Inspectors and Police

Liquor inspectors and the police have the right to enter and inspect all areas of the premises at all hours. They may immediately suspend an SOL for reasons of public safety, seize illicit liquor, and take other measures where a licensee has contravened the conditions of the licence, or a threat to public safety is determined.

As a term and condition of your licence the police and liquor inspectors are to have full access to your event and to receive your full cooperation. You are not to draw the attention of patrons to the fact that liquor inspectors and/or police are present as this may put the safety of the inspectors and police at risk.

Accordingly, your actions must not cause the attention or focus of patrons to shift towards inspectors or police at any time, including entry, during an inspection, or when exiting your event.

You are Responsible for the Safety of your Patrons

As a licensee with a Special Occasion Licence, it becomes your responsibility to protect patrons from any harm that may result from drinking at your event. This includes harm that may occur at the event or elsewhere, after the patrons have left. If you serve alcohol to someone who becomes intoxicated, you may be legally liable for that person's behavior and the results of that behavior regardless of whether the behavior occurs at your event or after the person has left your event.

You have a responsibility and right under the Act to forbid a person who appears intoxicated, either by alcohol or drugs, from entering your event. If a patron at your event appears intoxicated you must not serve or sell them liquor or allow them to remain in the licensed area – it is a contravention to do so.

Please see *Intoxicated Persons, Criminal Activities, Unruly Behavior* section below for information on the signs of intoxication.

You must take steps to ensure that the intoxicated person does not harm himself/herself or others, including ensuring they have a safe ride home. Promote responsible drinking by ensuring there is a reasonable amount of food and non-alcoholic drinks at your event. Consider offering complimentary, de-alcoholized and non-alcoholic beverages to designated drivers.

Your Presence at the SOL Event is Required

As the person responsible for liquor service appointed by the licensee organization, you are required to be in attendance at the SOL event for its full duration on each day of its operation. Where the duration of the event is such that your continuous attendance is not practical, you may obtain prior approval from the police or liquor inspector to designate, in writing, a person who can substitute for you on a limited basis.

The person substituting for you must have Serving it Right (see below) and be a member of the organization or group, or manager of the event. The written designation must specify the days and times the substitution will occur and be posted with your SOL licence (see below). Regardless of who is in attendance, the licensee remains legally responsible.

Your Conduct

You, your managers, staff and volunteers, and security staff are not permitted to drink alcohol or be intoxicated while performing their duties.

When off duty, they must not wear event T-shirts, name tags, badges, arm bands, hats, or any other article that would identify them as staff. When off duty, they are not permitted to remain in areas where the public is not allowed (momentary entry to retrieve personal effects is permitted provided they do not have alcohol in their possession or resume staff duties, i.e., serving alcohol, etc.). This separation of on-duty and off-duty staff is necessary to enable liquor inspectors and police to ensure on-duty staff are not drinking.

Everyone involved with the event, including food kiosk operators, cleaners, entertainers, etc. must refrain from illegal activities, disorderly conduct, or any other action that might affect public safety. You are required to have processes in place to deal with such incidents, including procedures for ejecting the individual(s) from the event and/or notifying the police. You are responsible for the actions of your staff regardless of whether they are paid or volunteer.

Raising Money for Charitable Purposes

If you are a qualified organization or group and are raising money for a charitable purpose, you may apply for permission from the Liquor Control and Licensing Branch to charge prices above the maximums listed in the *Liquor Service* section below.

A charitable purpose is one that provides for the relief of poverty or the advancement of education, religion, recreation, sports or athletics, aid to the disabled and handicapped, culture, youth or senior citizens, or other purposes beneficial to the community.

If you are granted this exemption you are required to submit financial records showing that all profits of the event, not just the liquor sales, was donated to the charity, to the LCLB within 60 days of the event.

Exemptions

Under certain circumstances exemptions to the policies governing the SOL may be granted by the Liquor Control and Licensing Branch. Specifically, permission may be granted for you to:

- hold more than two SOLs per month or 24 per year (e.g., for a 3 day tournament)
- apply for an SOL if you are not a Canadian citizen or a permanent resident
- extend the hours of your event beyond 10:00 pm for outdoor or 2:00 am for indoor events
- serve or sell spirits at a public event
- charge more than the maximum liquor price if you are holding an event to raise money for a charitable purpose (please see *Raising Money for Charitable Purposes*, below).

Four weeks before your event: You must apply for the exemption at least four weeks before the start date of your event or the LCLB may not have sufficient time to review and approve your request.

To apply, please complete and submit the *Special Occasion Licence Policy Exemption Application Form* (LCLB031) and the \$100.00 non-refundable fee to the Liquor Control and Licensing Branch. Please see the *Contacts/More Information* at the end of this document for the address and links to the form.

You will receive a letter advising you of whether your request was approved. If approved, the letter must be attached to your SOL application during the licence approval process and posted at the event (see below).

Posting Your SOL Licence Documents

You must post the following documents in the liquor service area where they can be viewed by anyone who requests to see them:

- valid Special Occasion Licence,
- your copy of the SOL Application form, completed in full and signed by the required authorities
- documents from the police or local government or First Nations as required
- letters from the LCLB granting exemptions (see *Exemptions*, above)
- documents from the LCLB imposing additional terms and conditions
- written designation of an individual who can be in attendance at the event on behalf of the licensee,
- any other document you have been directed to post.

Also, legible receipts, clearly showing the source of the liquor you are serving under the licence, must be kept on site for inspection by a liquor inspector.

Liquor Service Area Configuration

The layout of your liquor service area, including features for controlling access by patrons, is critical to public safety (you may be required to submit a site plan). You are responsible to ensure that only those persons permitted to enter the liquor service area do so and that they enter and exit in a controlled and safe manner. You are responsible to ensure your liquor service area is sufficient to handle the number of patrons you expect to attend. This is to ensure over-crowding does not occur. Many venues have an *occupancy load* – the number of people it can safely accommodate – set by local government or the fire department. If this is available it will help you determine if the venue is suitable for your event or if the number of people attending must be reduced.

Perimeter fencing: Where the liquor service area is a designated part of a larger area (e.g., a beer garden), it is your responsibility to ensure that the area in which liquor is served is surrounded by a barrier sufficient to confine the sale, service and consumption of liquor to that specified area. If liquor service is provided throughout the whole venue, the whole venue must be secured with perimeter fencing

Entrances and exits: These should be separate and separated by a reasonable distance, where feasible.

Door security: Please see the *Event Security* section below

Patron clearance: An important component of controlling access is verifying that patrons are entitled to enter the area and they do not bring anything into the area which could affect public safety.

- ID checking is of paramount importance (see *Minors*, below) and must be done to ensure no minors enter the liquor service areas where they are not permitted.
- Alcohol, drugs, and weapons brought into the liquor service area by patrons are a major risk to public safety and are not permitted. Where the risk of this happening is thought to be high, the licensee may be required to undertake searches to prevent such items from entering your event. If you know or suspect that one of your patrons has a weapon, you should notify the police immediately.
- Wrist bands, hand stamps, etc. are effective methods of indicating patrons who are entitled to enter the liquor service area – ID'd and screened for contraband.

Do not allow "in and out" privileges where patrons are allowed to re-enter the liquor service area without being ID'd and screened. Each person re-entering must be ID'd and screened.

Chairs and tables: Where there is a risk of items being thrown, public safety may require that chairs (e.g., folding metal chairs) and small tables not be used in beer gardens.

Lighting and Visibility

Lighting and visibility must be sufficient for you and your staff to maintain care and control of patrons in the area licensed for liquor service, whether it is a beer garden or other designated liquor service area, or the whole event site. If your event is an outdoor daytime event you will need to make sure you have adequate lighting if the event extends after sundown. Lighting must be sufficient in the ID checking area to allow for detailed scrutiny of patrons' identification.

Event Security

Security plan: Depending on the size and nature of your event, you may be required to submit a security plan (if more than 500 people are expected to attend your event a security plan is required). The security

plan must set out how you will control crowds, prevent minors from accessing liquor, and prevent over consumption. See the LCLB website for a sample security plan and how to submit it.

Security staff: If you are required to have security staff (paid or volunteer), the number of staff must be sufficient for your event and they must be well trained. Depending on the type of your event and other factors, you may need one security person for every 50 to 100 guests – please work with your liquor inspector to determine the right number to ensure public safety. Security staff must be highly visible during the event and be actively providing security services throughout the site.

Door security: Door staff (paid or unpaid volunteers) who will be responsible for preventing the entrance of unruly or disruptive persons and for removing persons who become unruly or disruptive or who present a safety risk to others, must be licensed under the *BC Security Services Act*.

Servers, bartenders or other individuals who check identification or count patrons to ensure that the event is not over crowded, but are not expected to perform tasks associated with the security of the event, are not considered to be security workers. Please see the *Contacts/More Information* section.

Minors

Persons under 19 years of age are not allowed in beer gardens or similar liquor service areas where the service of liquor is the prime focus (please see *Entertainers*, below, for an exception). Minors are allowed to attend the non-licensed areas of the event.

Where the whole event site is licensed under an SOL, (e.g., a year-end awards dinner in a large banquet hall), persons under 19 years of age are allowed to enter but must not drink, serve liquor, or sell liquor or drink tickets.

Persons under 19 years of age are not permitted to attend tasting events under any circumstances other than as a professional entertainer (please see *Entertainers*, below).

Checking ID: You are not permitted to serve liquor to anyone under 19 years of age. You are responsible for ensuring that minors do not access liquor at your event, nor bring liquor into the event.

When checking the age of a patron you must ask for two pieces of ID:

The first piece of identification must be issued by a government agency (e.g. a passport or driver's licence), and include the person's name, signature, birth date and picture.

The second piece of identification must include the holder's name (e.g. a credit card, Social Insurance Card or Care Card), and include the person's signature and/or picture.

If the person cannot produce two pieces of acceptable identification, you must not serve them liquor, and they may not enter a beer garden or other designated liquor service area.

Serving it Right: The Responsible Beverage Service Program

Serving It Right is a self-study course in responsible liquor service. Its purpose is to make people aware of their responsibilities when serving alcohol to patrons. There is a fee and a short test that can be done by correspondence or online.

You (the applicant) must obtain the training and obtain your certificate number, issued by Serving It Right, before you apply for an SOL and record it on the SOL application form. As the licensee you need this training so that you can ensure the liquor service at your event complies.

All managers, paid or unpaid, must complete the SIR training program.

All paid servers must complete the SIR training program. While unpaid servers do not need to take the training provided they are working under the supervision of someone who has SIR training, the training is recommended for all persons involved in liquor service.

You may be required to provide a list of all staff who are required to have SIR training and their SIR certificate numbers.

Please see the *Contacts/More Information* at the end of this document for information about how to obtain the Serving It Right training.

Liquor Service

If you are holding a major public event, you are permitted to serve or sell only beer, wine, cider and coolers. (Under certain circumstances, you may receive permission to serve or sell spirits. Please see *Exemptions* section for more information.)

Liquor source: All liquor for your special event must be bought only from the following three sources:

- BC government liquor stores,
- BC winery or brewery,
- on-site distillery stores.

You must not purchase your liquor from a private liquor store, or off-site or private wine stores, or an agent. It is against the terms of their licences to sell liquor to SOL licensees.

Patrons are not permitted to bring liquor to the event. Homemade and UBrew/UVin beers and wines are not permitted at SOL events.

Donated liquor: A liquor manufacturer may only donate liquor to an SOL event if the licensee is a charitable organization, registered with Canada Revenue Agency.

Quantity of liquor: To determine how much liquor you need to purchase for serving or selling at your event please work with your LDB store manager, the police, and or your local liquor inspector. The amount recorded on your application form becomes the amount of liquor you are licensed to have at the event.

Unopened and undamaged product may be returned to the store you purchased it from, for refund. Liquor cannot be stored for later use.

Have food available: As part of responsible beverage service, the LCLB strongly recommends that SOL licensees have an adequate variety and supply of food and non-alcoholic beverages available. This service will increase your patron's enjoyment.

Hours of liquor service: Liquor service at indoor events may not start before 9:00 am and must end before 2:00 am the following day. Liquor service at outdoor events may not start before 9:00 am and must end before 10:00 pm the same day. These hours may be reduced by the police, local government, or First Nations.

Under very limited circumstances, you may receive written permission from the LCLB to extend these hours, provided the police, local government, or First Nations are in support of doing so. Please see *Exemptions*, below for more information.

Serving amounts: Where there is a risk of items being thrown, for the safety of your patrons and staff, you may be required to serve all beverages in plastic glasses – no glassware, bottles or cans.

To help prevent over-service and intoxication of patrons, limits are imposed on the total volume of liquor that can be served at one time to one person. The glass or container size may be smaller, e.g. a 12 oz glass, but no more than 24 oz (two glasses) can be served at that time to one person.

- Beer, cider or, cooler.....by the glass - up to 24 oz (680 ml)
- Wine by the glass.....up to 10 oz (285 ml)

If exemption granted:

- Spirits.....3 oz. (85 ml)

If non-plastic beverage containers are permitted:

- Packaged beer, cider, or cooler.....2 standard sized cans or bottles or equivalent
- Wine by the full bottle only if 2 or more people are sharing and having food.

Selling prices: The Special Occasion Licence is not intended to provide an opportunity to make money – it is intended simply to allow liquor service at a special event.

Shown below are the maximum prices you are allowed to charge. These prices are intended to cover the “operating costs” of selling liquor, including the cost of liquor, mix, plastic cups, ice and taxes. The prices do not include costs such as hall or outdoor venue rental, servers, entertainment, or security. Only organizations with a HST registration number are required to collect and remit HST.

- Beer, cider or, cooler.....\$4.00 / \$4.48 (incl. HST) for 12 oz (355 ml)
- Wine by the glass.....up to 100% of purchase price / + HST if collected

If exemption granted:

- Spirits.....\$3.00 / \$3.36 (incl. HST) for 1 oz. (28 ml)
\$4.00 / \$4.48 (incl. HST) for 1.5 oz. (43 ml)

If non-plastic beverage containers are permitted:

- Packaged beer, cider, or cooler.....\$4.00 / \$4.48 for one standard can or bottle

It is recommended that you do not include an unspecified amount of liquor in the price of admission. This promotes over consumption and puts you at risk of significant penalties for allowing intoxication. If alcohol must be included in the admission, ensure it is limited to a specified number of drinks.

Tastings: For serving sizes and prices for tastings, beer festivals, etc. refer to the *Tastings* section below.

Winding down the liquor service:

- If you are serving from kegs, do not open more than can be consumed responsibly before the end of liquor service.
- Do not sell more drink tickets, etc. than can be redeemed for liquor which can be consumed responsibly before the end of liquor service.
- Drinking must cease within 30 minutes of the end of liquor service hours.

All unconsumed, opened liquor must be disposed of (thrown out) appropriately.

Liquor removal: Unopened liquor must be removed from the event immediately after the event and returned to the point of purchase for refund. Unused liquor cannot be used at another/later event.

Tastings

Licensed manufacturers (e.g., a brewery, winery, distillery) or a licensed agent may obtain an SOL to conduct tasting events or festivals to acquaint the public with its products.

One manufacturer: If the event has only one manufacturer or agent that manufacturer or agent must apply for the SOL. (Please note: UBrews and UVins are not licensed manufacturers and are not eligible for SOLs to conduct tastings of their products.)

More than one manufacturer: If more than one manufacturer or agent participates in a common event, the SOL will be issued to whoever is hosting the event whether commercial or non-commercial.

Minors are not permitted into tasting SOL events because the primary purpose of a tasting event is liquor consumption.

Serving sizes at tastings licensed by an SOL must not exceed 4 oz. (114 ml) for beer, cider and coolers, 2 oz. (60 ml) for wine, and ½ oz. (15 ml) for spirits.

If these samples are sold, the prices must be adjusted, based on the liquor price schedule, to the size of serving provided, to the nearest five cents, except where the event is for a charitable purpose. For example, the price for a 4 oz. serving of beer must not exceed \$1.35 (rounded up from \$1.33, which is 1/3 of a 12 oz serving), or \$1.50 with HST.

Please contact your liquor inspector for more information.

Entertainment

Entertainers who are 19 years and older may consume alcohol during their performances in the liquor service area and remain in the liquor service area during their breaks. They must not become intoxicated.

Minors retained to perform in the beer garden or other designated liquor service area, are permitted to be in the licensed area only during their performances. When they leave the stage, regardless of the reason or duration, they must leave the liquor service area.

Signage

Clearly visible signs improve your patron's experience and increases their safety and safety of your staff. You are required to post signs advising of the following:

- Exit / Entrance
- Hours of service
- No minors / 2 pieces of ID
- Serving sizes and prices
- Two drink maximum per serve
- Intoxicated persons will be removed
- No drinks beyond this point
- Advising of adult entertainment (where offered)

Please talk with your liquor inspector regarding the size of the signs or whether other signs might be needed.

Advertising

Advertisements for public SOLs may not indicate, in any manner, that alcoholic beverages will be available at your event. You are permitted to state "Refreshments are Available" in your advertising. However, if a number of wine, beer or other liquor manufacturers are conducting tastings at one location (your event), advertising may refer to the names of these participating manufacturers.

Gambling

If minors are permitted into an event which is licensed (e.g., the community hall) only raffles, sports pools, 50/50 draws are allowed. These types of gaming require licensing from the BC Gaming Policy and Enforcement Branch (Please see *Contacts/More Information* at the end of this document).

If minors are not permitted into the event, all forms of gaming licensed by the BC Gaming Policy and Enforcement Branch are permitted.

If minors are permitted into the event, but not into the licensed area (e.g., a beer garden) all forms of gaming licensed by the BC Gaming Policy and Enforcement Branch are permitted in that licensed area.

Intoxicated Persons, Criminal Activities, Unruly Behavior

It is a serious contravention (with significant monetary penalties) of the Act to allow an intoxicated patron to remain in a licensed area. This is because allowing an intoxicated person access to more liquor is a risk to that person, your staff, and other patrons. The intoxicated patron must be removed from the licensed area.

Physical signs of intoxication:

- red or bloodshot eyes
- disheveled appearance
- slurred speech
- fumbling with small objects (money, credit cards, etc.)
- odour of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking

Mental signs of intoxication

- lack of alertness
- exaggerated emotions
- aggression
- irrationality

It is a serious contravention of the Act to allow criminal activities (e.g., drug use/sales), or unruly, threatening or intimidating behavior, or fighting. Games that could result in injury are not permitted.

Drinking Games

Drinking games increases the likelihood of intoxication and it is your responsibility to ensure they do not occur. If intoxication is evident those patrons must be removed from the event.

Community Disturbances

It is your responsibility to ensure that your event is not a source of community disturbance while it is in operation or as your patrons exit. You are required to have a strategy in place to ensure orderly exiting of patrons from your event. For more information please see *Appendix 2*.

Contacts / More Information

Liquor Control and Licensing Branch Website

www.pssg.gov.bc.ca/lclb

Special Occasion Licensing Manual

<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb208-policy-specialoccasion.pdf>

Exemptions Request Form

<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB031.pdf>

Please submit the Exemptions Request form to:

SOL Case Manager
Liquor Control and Licensing Branch
PO Box 9292 Stn Prov Govt
Victoria, BC V8W 9J8

Tel: 250 952-5787 Toll Free: 1 866 209-2111

Fax: 250 952-7066

Financial Reporting for Charity Events where a Price Increase was Approved

<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb032-charity-revenue-report-SOL.pdf>

Security Plans

<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb098-security-plan-SOL.pdf>

Special Occasion Licence Liquor Price Schedule

<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB031A.pdf>

Serving It Right (SIR)

A self-study package for completing Serving It Right is available at Government Liquor Stores. You can also download study material and complete the test at www.servingitright.com

For more information, contact go2 at info@servingitright.com, visit www.go2hr.ca or call 604 633-9787

Security Licensing (door persons)

Ministry of Public Safety and Solicitor General at www.pssg.gov.bc.ca/securityindustry

Victoria: 250 387-6981

Vancouver: 604 660-2421

Toll Free: 1 800 663-7867

(ask for transfer to 250 387-6981)

BC Gaming Policy and Enforcement Branch

<http://www.pssg.gov.bc.ca/gaming/>

Appendix 1:

Monetary Penalties Relating to a Special Occasion Licence: First Contraventions

Minors	
1. A breach of section 33 of the Act [Selling liquor to minors]	\$7,500 - \$10,000
2. A breach of section 35 of the Act [Minors on licensed premises]	\$5,000 - \$7,500
Disorderly or Riotous Conduct	
1. A breach of section 36(2)(c) of the Act by authorizing or permitting, in a licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct	\$7,500 - \$10,000
2. A breach of section 36(2)(c) of the Act by authorizing or permitting, in a licensed establishment, any unlawful activities or conduct	\$7,500 - \$10,000
Intoxicated Persons	
1. A breach of section 43(1) of the Act by selling or giving liquor to an intoxicated person apparently under the influence of liquor	\$5,000 - \$7,000
2. A breach of section 43(2)(a) of the Act by permitting a person to become intoxicated	\$5,000 - \$7,000
3. A breach of section 43(2)(b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served	\$5,000 - \$7,000
Weapons	
1. A breach of section 47 of the Act [Licensee's duty – dangerous weapons]	\$5,000 - \$7,000
Licensee Responsible for Disturbance of Persons in the Vicinity	
1. A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment	\$7,500 - \$10,000
Overcrowding	
1. Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is less than or equal to the occupant load	\$1,000 - \$3,000
2. Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load	\$5,000 - \$7,000
Illicit Liquor	
1. A breach of section 38 of the Act [Unlawful sale of liquor]	\$7,500 - \$10,000
2. A breach of section 38.1 of the Act [Unlawful to dilute or adulterate liquor]	\$5,000 - \$7,000
3. A breach of section 39 of the Act [Unlawful purchase of liquor]	\$7,500 - \$10,000
4. A breach of section 35(3) of this regulation by failing to keep and maintain a register of all liquor purchased and received	\$1,000 - \$3,000
5. A breach of section 35(1) of the regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee	\$1,000 - \$3,000
6. A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager	\$7,500 - \$10,000
Liquor Service	
1. A breach of section 43 of this regulation by the licensee failing to complete the required training program	\$5,000 - \$7,000
2. A breach of section 43 of this regulation by a manager or server failing to complete the required training program	\$1,000 - \$3,000
3. A breach of section 44(3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	\$5,000 - \$7,000
4. A breach of section 42(3) of this regulation as a result of an employee or the licensee consuming liquor while working on the licensed premises	\$1,000 - \$3,000
5. A breach of section 42(2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment	\$5,000 - \$7,000

6. A breach of section 42(4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment	\$1,000 - \$3,000
7. A breach of section 41(2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day	\$5,000 - \$7,000
Production of Records	
1. A breach of section 73(1)(a), 73(2)(a) or 73(2)(b) of the Act [Failure to produce a document or record or thing]	\$7,500 - \$10,000
Advertising	
1. A breach of section 49 of the Act [Display of signs]	\$1,000 - \$3,000
2. A breach of section 51.1 of the Act [Advertising liquor] or section 58 of this regulation	\$1,000 - \$3,000
Entertainment	
1. Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act	\$5,000 - \$7,000
2. Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act	\$1,000 - \$3,000
Licensing Contravention	
1. A breach of section 15(2) of the Act [Failure to disclose a material fact or false or misleading statement in application]	\$7,500 - \$10,000
2. A breach of section 18 of the Act [Tied houses] by failing to disclose to the general manager the information that must be disclosed under that section	\$7,500 - \$10,000
3. A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager	\$1,000 - \$3,000
Inducements	
1. A breach by the licensee or an employee of the licensee of section 45 of the Act [Licensee not to give or accept gifts for promoting liquor]	\$7,500 - \$10,000
Other	
1. A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension, <u>or</u> A breach of section 67(3) of the Act, by (a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 of the Act, or (b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 of the Act, <u>or</u> A breach of section 73(1)(b)(ii) or (iii) of the Act by neglecting or refusing to allow storage premises or an establishment licensed under the Act to be inspected, <u>or</u> A breach of section 73(2)(b) of the Act by neglecting or refusing to allow premises to be inspected	
General	
1. Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in the above items. Failure to pay a monetary penalty within 30 days or period specified by the general manager is a breach of section 20(2.6) of the Act.	\$1,000 - \$3000

Appendix 2:

Taking Reasonable Measures to Prevent Community Disturbances

Types of disturbances	What you can do to reduce these disturbances
Noise caused by people talking on the street in the line-up	• Limit the length of your line-up • Put up signs by the line-up and monitor the line-up to remind people of noise issues • Make structural changes to accommodate indoor line-up areas
Noise caused by people leaving your event throughout the day	• Put up signs by your exit doors • Conduct staff training sessions to review "Serving It Right" principles
Noise caused by people leaving your event at closing time	• Put up signs by your exit doors • In the hour before you close, issue an announcement reminding people to be aware of your "good neighbour" policy • Post staff by exits to remind customers to be considerate of nearby residents, and keep noise to a minimum • Apply to the branch for permission to extend the time period within which customers must vacate the premises at closing time (It is normally half-an-hour but you can apply to extend that time up to one hour to reduce the size of departing groups.)
Noise from music and other forms of entertainment that is ongoing and can be heard by nearby residents from within their homes	• Close windows • Reduce music volumes and monitor noise levels • Eliminate bass frequencies that penetrate concrete and other structural materials • Meet with neighbours to discuss options - strive to cooperate
Noise of music that is intermittent and can be heard by nearby residents from within their homes, when customers open the door to go in or out of your event	• Reduce music volumes • Meet with neighbours to discuss options - strive to cooperate
Indecent or illegal behaviour (e.g., urinating in public, sex in public, drinking in parked cars in adjacent parking lot) in and around the entrance to your event and in controlled parking areas.	• Put up extra lights, directed to problem areas • Install video cameras directed at parking lot vehicles • Assign security staff to patrol parking lots • Cooperate with local police to set up more parking lot patrols • Refuse entry to customers who go frequently to and from cars

NOTES:

Additional Terms and Conditions:

Any minors found intoxicated or in possession of alcohol or drugs on the event grounds will be turned over to the RCMP. At the discretion of the RCMP the minor may have their wrist band removed and the minor evicted

Special Occasion Licence

Major Events

TERMS and CONDITIONS

May 2012

I have received a copy of the above referenced document:

Print Name

Signature

Date

Once signed, this page is to be removed from the document and retained by the LCLB Liquor Inspector.



Memorandum

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date	September 10, 2012	File Number
To	Hornby Island Local Trust Committee	
From	Sonja Zupanec, Island Planner	
Re	2013 Regular LTC business meeting dates	

Staff has begun planning for the 2013 Local Trust Committee (LTC) business meeting schedule and have developed tentative meeting dates for the Northern LTC's.

Below are tentative dates for the Hornby LTC's consideration and endorsement. The dates have taken into account Trust Council meetings and Chair availability. Please indicate, by resolution, the LTC's endorsement or recommended revisions to the following tentative meeting schedule:

Friday, February 1, 2013
 Friday, March 15, 2013
 Friday, April 26, 2013
 Friday, June 7, 2013
 Friday, July 12, 2013
 Friday, September 13, 2013
 Friday, October 11, 2013
 Friday, November 22, 2013

Copy: Chris Jackson, Regional Planning Manager



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 958

Size:

2,990 hectares (7,388 acres)

Location:

31 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
[Related Planning Services](#)
[Related Resources](#)
[Trust Area Mapping](#)
[Related Links](#)

Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

July 2012

- [July 2012 Trustee Newsletter](#)
- [Summer Residents Invited to Special Meeting](#)
- [July 2012 Draft Official Community Plan released for public review](#)

June 2012

- [June 2012 Trustees' Report](#)

May 2012

- [May 2012 Trustees' Report](#)

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Hornby Island Work Program

1. Vacation Home Rental Regulation Review
2. Targeted Official Community Plan and Land Use Bylaw Review
3. Riparian Areas Regulation Implementation

Hornby Island Local Trust Committee Projects

Official Community Plan and Land Use Bylaw Review

- [JULY 2012 DRAFT OCP](#)
- [Project Charter - April 2012](#)
- [Communications Plan - April 2012](#)
- [OCP/LUB Project Newsletter - May 2012](#)
- **Discussion Documents for April, 2011 Community Information Meeting:**
 - [Draft Hornby OCP Revisions April 2011](#)
 - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
 - [Schedule C - Land Status and Road Designations](#)
 - [Schedule D2 - Environmentally Sensitive Areas](#)
 - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
 - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Vacation Home Rentals

- [Staff Report - March 2012](#)
-

Committee Links

[Committee Home](#)
[Trustee Membership](#)
[Contact Trustees](#)
[Contact Planning Staff](#)
[Planning Bylaws](#)
[Administrative Bylaws](#)
[Meetings Schedule](#)
[Meeting Agendas](#)
[Meeting Minutes](#)
[Resolutions-Without-Meeting](#)
[Associated Islands](#)
[Land Use Application Forms](#)

- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)
- [Discussion Document for April 2011 Community Information Meeting](#)
- [Staff Report - March 21, 2011](#)
- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)
- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

Riparian Areas Regulation Implementation

- [March 2012 Mimulus Biological Consultants Stream Mapping Report](#)
- [November 2011 RAR Factsheet](#)

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(May 2012\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

Advisory Planning Commission - Minutes

- [April 17, 2012](#)
- [April 24, 2012](#)
- [May 1, 2012](#)
- [May 3, 2012](#)
- [June 21, 2012](#)

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Applications

HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

Professional Reports

- [Payne Engineering Report dated January 2009](#)
- [Rezoning Submission dated May 2009](#)
- [Baseline Archaeology Letter dated January 2010](#)

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Hornby Island Local Trust Committee Work Program

- [Top Priorities](#)

Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)

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