



**HORNBY ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

Revised – May 9, 2011

**AGENDA
Business Meeting
Wednesday, March 23, 2011 at 12:15 pm
In the New Horizons
1765 Sollans Road, Hornby Island, BC**

		Page No.	Approx. Time
1.	CALL TO ORDER		12:15 pm
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Meeting Minutes dated February 18, 2011– <i>for adoption</i>	1-16	
3.2	Section 26 Resolutions Without Meeting Log dated March 15, 2011 – <i>for information - attached</i>	17	
3.3	Advisory Planning Commission Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		12:30 pm
4.1	Follow-up Action List dated March 15, 2011 – <i>attached</i>	18-20	
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>		
5.1	Letter dated February 21, 2011 to School District No 71 Board from Louise Bell, Local Trustee regarding Bussing School Children from Denman Island - <i>attached</i>	21-22	
5.2	Email dated February 24, 2011 from Michael Berman regarding Short Term Vacation Rentals - <i>attached</i>	23	
5.3	Letter dated February 28, 2011 from Doug Christie regarding Short Term Vacation Rentals	24-30	
5.4	Email dated March 2, 2011 from Walter and Jan Kamlade regarding Short Term Vacation Rentals - <i>attached</i>	31	
5.5	Email dated March 3, 2011 from Bob Henderson regarding Short Term Vacation Rentals - <i>attached</i>	32	
5.6	Email dated March 4, 2011 from Wayne Wiens, Andrea Lebowitz, Charles Western and Phyllis Western regarding Short Term Vacation Rentals - <i>attached</i>	33-34	

5.7	Email dated March 12, 2011 from Wendy Edwards regarding Short Term Vacation Rentals	35	
5.8 to 5.32	Various Emails regarding Short Term Vacation Rentals - <i>attached</i>		
6.	TRUSTEES' REPORT		
7.	CHAIR'S REPORT		
8.	DELEGATIONS		
9.	TOWN HALL SESSION		1:00 pm
10.	APPLICATIONS AND PERMITS		1:15 pm
10.1	HO-RZ-2009.2 Hornby Island Resort Ltd. – <i>discussion</i>		
10.1.1	Proposed Bylaw No. 140 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 2, 2010.” - <i>attached for information</i>	36-37	
10.1.2	Proposed Bylaw No. 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010.” – <i>attached for information</i>	38-40	
11.	LOCAL TRUST COMMITTEE PROJECTS		1:45 pm
11.1	HO-OCP-2009.2 Enforcement Policy – Communications Plan		
11.2	HO-OCP-2009.2 Short Term Vacation Rental Official Community Plan/Land Use Bylaw Draft Bylaw Proposals – <i>attached</i>		
11.3	HO-OCP-2009.1 – Draft Official Community Plan Reflecting Recent Amendments – <i>discussion - attached</i>		
11.4	Community Information Meetings of April 2, April 4 and April 6, 2011 – <i>discussion of process</i>		
12.	REPORTS		
12.1	Strategic Plan for Local Trust Committees - <i>attached</i>	41-45	3:00 pm
12.2	Work Program Reports		
	Top Priorities Report and Projects List Report dated March 15, 2011 - <i>attached</i>	46-47	
12.3	Applications Log		
	Report dated March 15, 2011 - <i>attached</i>	48-51	
12.4	Trustee and Local Expenses		
	Expenses posted to February 23, 2011 - <i>attached</i>	52	
13.	NEW BUSINESS		
13.1	Exploring Food Security in the Islands Trust Area Report dated November 16, 2010 - <i>attached</i>	53-145	
13.2	Letter dated March 3, 2011 to Hornby Local Trust Committee from Sheila Malcolmson, Chair of Islands Trust Council regarding Food Security in the Islands Trust Area - <i>attached</i>	146	
13.3	Annual Meeting with Ministry of Transportation and Infrastructure and Emcon Services		
13.4	Climate Change Communications		

14. BYLAWS

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page - *attached* 147-148

16. NEXT BUSINESS MEETING DATE

Wednesday, April 27, 2011 at 12:15 pm in the Hornby Island Community
Hall, Central Road, Hornby Island, BC

17. ADJOURNMENT

3:30 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
FRIDAY, FEBRUARY 18, 2011 AT 1:30 PM
AT NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND BC**

<u>PRESENT:</u>	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Miles Drew	Bylaw Enforcement Coordinator
	Brodie Porter	Island Planner
	Vicky Bockman	Minute Taker

There were twenty-nine (29) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 1:30 pm. She welcomed the public and noted that the meeting was taking place in the traditional territory of the Coast Salish First Nation and recognized their history on the land. Chair Bell introduced the Local Trustees, Islands Trust Planner, Bylaw Enforcement Coordinator and Minute Taker.

2. APPROVAL OF AGENDA

The agenda was approved by consensus with the following additional items:

- Add 13.3 Bylaw Referral Form: Denman Island Local Trust Committee Proposed Bylaw No.: 199
- Add 13.4 Bylaw Referral Form: Denman Island Local Trust Committee Proposed Bylaw No.: 200
- Add 5.4 Email Received as Late Correspondence

3. MINUTES

3.1 *Hornby Island Local Trust Committee Meeting Minutes dated December 15, 2010*

The minutes were adopted by consensus with the following amendments:

- Page 4, first paragraph, first sentence: change text from "Trustee

Law reported meeting with the Royal Canadian Mounted Police (RCMP) Regional Director to discuss police services on Hornby Island in the coming year.” to “Trustee Law reported on a meeting with the Royal Canadian Mounted Police (RCMP), Regional Director and HIRRA Executive to discuss police services on Hornby Island in the coming year.”

- Page 4, first paragraph, third sentence: change text from “law enforcement” to “community policing”.
- Page 4, third paragraph, first sentence: change text from “will require” to “will involve”.
- Page 4, fourth paragraph, first sentence: change text from “Agriculture Ministry” to “Agricultural Land Commission”.
- Page 4, fourth paragraph, second sentence: change text from “resistance at the Ministry” to “resistance at the Commission”.
- Page 6, fourth paragraph, first sentence: change text from “has taken time” to “will require time”.
- Page 7, Item 9.3, second paragraph, second sentence: change text from “will take time” to “may take time”.

3.2 *Section 26 Resolutions Without Meeting Log dated February 8, 2010*

Received.

Trustee Law stated that the Salt Spring Island Local Trust Committee has indicated that they would like to thank the Hornby Island Local Trust Committee for making funds available to them to conduct communications on Riparian Area Regulations. They are in the process of creating a package that the Hornby Island Local Trust Committee may find useful as well.

Trustee Bell reported that Michelle Jones, a Qualified Environmental Professional, is coming to Denman Island to talk about the provincial Riparian Area Regulation and that Hornby Islanders are invited to attend that meeting. More information will be forthcoming.

3.3 *Advisory Planning Commission Minutes*

None.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action List dated February 8, 2011*

Planner Porter presented the Follow-up Action List.

5. **CORRESPONDENCE**

5.1 *Email dated January 19, 2011 from Kati Marshall regarding Bylaw Enforcement Policy for Short Term Vacation Rentals*

Received.

5.2 *Email dated January 28, 2011 from Amy Robertson regarding Short Term Vacation Rentals*

Received.

5.3 *Letter dated February 7, 2011 from the Hornby Island Water Stewardship Project regarding Comments on Draft Staff Report on Short Term Vacation Rentals*

Received.

5.4 *Email dated February 10, 2011 from Nicki Johansen regarding Short Term Vacation Rentals.*

Received.

6. **TRUSTEES' REPORT**

Trustee Hunt reported that he attended a meeting as an observer along with Trustee Law, Planner Porter, Bylaw Enforcement Coordinator Drew and community members interested in short term vacation rental issues, and was impressed with the information that was exchanged. He thanked staff for attending and Helen Grond for arranging the meeting.

Trustee Hunt gave an update on an Islands Trust video project to record Hornby Island's history which will include where it is at the moment and where it is going. Margaret Sinclair is willing to take part as requested and Andrea Lebowitz will provide Hillary Brown's papers to filmmakers.

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Trustee Hunt said that he had heard from Sherry Stevens of the Hornby/Denman Island Grapevine newsletter. She indicated that she has space available and would welcome articles from Hornby Islanders on any topic.

Trustee Hunt reported that Stewardship Awards have been announced for 2011, stating that nominations are welcome. The deadline is April 29, 2011 and forms are available on the Islands Trust website or by contacting Trustees Law or Hunt.

Trustee Law expressed his appreciation for the short term vacation rental meeting last night.

Trustee Law gave an update of Ferry Advisory Committee business, stating the proposed cable ferry is proceeding with regulatory requirements and if those are met there will be community meetings. Shingle Spit and Gravelly Bay docks will be down for two weeks in October after Thanksgiving. He outlined preliminary plans for ferry traffic during the outage, stating there will be a consultation which will include community feedback.

Regarding possible ferry fare increases, he stated that the province must decide between March and June on the level of provincial support for the ferry system for the 2012-2016 period. BC Ferries is anticipating increases of up to 50% if the province does not provide additional subsidies. This issue is getting significant coverage in the media and the Union of British Columbia Municipalities may be lobbying for the cause. Trustee Law stated it is important to give views on this issue.

Trustee Law reported on Comox Valley Housing and Homelessness Committee matters, stating that as the province is most likely to fund projects which have identified a strategic approach, they are working on creating such a strategy. Additionally, they are addressing transition housing with BC Housing and are hoping to coordinate an approach with all major funding agencies.

7. **CHAIR'S REPORT**

Chair Bell reported that the Islands Trust Executive Committee has met three times since the last regular business meeting of the Hornby Island Local Trust Committee. She detailed some of the many business items handled by the Executive Committee. Public consultation materials for the proposed budget for the Islands Trust for 2011-2012 were posted on the Islands Trust website in late January. Comments must be received before March 4, 2011 to be considered at the March Trust Council meeting. The Committee passed a resolution to alter the budget recommendation that it will make to the Trust Council at its March meeting, so that the tax increase is reduced to 2.2%. This figure represents an increase of about \$6 for an average Islands Trust property assessed at \$450,000.

8. **DELEGATIONS**

None.

9. **TOWN HALL SESSION**

Janet LeBlancq stated that she is working with Islanders' Secure Land Association on affordable housing issues. She indicated that doing the necessary rezoning will cost \$5,000 and inquired if Islands Trust may be able to help by waiving some portion of the cost of the rezoning.

Chair Bell replied that it is possible for Islands Trust to assist if the request meets certain criteria.

Trustee Law stated that rather than come out of Local Trust Committee's resources, funds may come from Islands Trust Executive Committee.

Tony Quin wished to speak regarding the Hornby Island Resort Ltd. rezoning application.

Chair Bell reminded Mr. Quin that as this topic is now post Public Hearing, the Local Trust Committee can hear new facts, however, cannot hear opinions.

Tony Quin stated that he had previously expressed his approval of the proposal, however as the consideration of the use of the existing parking lot is no longer a requirement, he is withdrawing his approval.

Carol Quin spoke regarding the procedures involved in processing applications for rezoning or proposals, specifically regarding changes that are made after public hearing. She suggested the Local Trust Committee explain how good planning decisions can be made when things are changing in the process of that application, hoping that all are aware of any new information before decisions are made.

Trustee Law advised that a second public meeting can be held if there is more information for consideration after the initial public hearing.

Donna Tuele thanked the Hornby Island Local Trust Committee for all the opportunities that have been presented to discuss short term vacation rentals. She encouraged Trust officials to consider an option requiring bylaw amendment even though it may not be approved by the Executive Committee.

Cathie Howard stated that Hornby Water Stewardship Project feels that some

Comment: Committee?

DRAFT

older residences should not be allowed to be rented without adequate septic systems and proposed a fund be created to help people without acceptable septic treatment. She suggested that an infrastructure grant or possibly a partial loan would be useful and cautioned that litigation over possible health issues may be an outcome if this issue is not addressed. She requested the Hornby Island Local Trust Committee look into the assistance possibility.

Chair Bell responded that Islands Trust does apply for grants and has applied for an infrastructure planning grant. Comox Valley Regional District can assist with infrastructure grants and she is aware that Denman Island did receive one. She recommended the Hornby Water Stewardship group initiate discussion with the Regional District in this regard.

Trustee Law stated that it is his understanding that grants are awarded for infrastructure owned by local governments and that it is difficult to find funding for individual properties. He agreed with Chair Bell that it is a Regional District issue.

Helen Grond stated that a small working group of people interested in short term vacation rentals has met and feels that the current situation works well and thinks the status quo should be kept. It is her opinion that the intention of the Hornby Island Official Community Plan was to have this as a permitted use on Hornby Island and as an accessory use. The situation on Hornby is unusual and the importance of tourism and visitors is recognized. Short term vacation rentals have been such an economic benefit to so many and the proposals being considered could make it very difficult for some to do it. The proposed changes are restrictive and may require a bylaw change. She feels there needs to be community support for this.

Ruth Goldsmith said she appreciates all work that has been done on the short term vacation rental issue, however would like to clarify the permitting process, for example, is it necessary to reapply every three years for a Temporary Use Permit, what procedural requirements would there be, and where will the money raised from these permits go? Further, she acknowledged the different designations of short term vacation rentals including residential, home occupation, and commercial, noting that when a rental is advertised it becomes a commercial vacation rental. In her opinion, no one can rent without some kind of advertisement which would make all rentals commercial by definition.

Chair Bell responded that Trustee Law's suggestions have been considered by staff and will be considered in our upcoming discussion. A Temporary Use Permit allows commercial use on a temporary basis for three years and can be renewed for an additional three year period for a smaller fee. Subsequent to the renewal, a reapplication is required. The purpose of having a time limit is that it allows the Local Trust Committee to hear from people that may have been concerned during the prior three-year period regarding issues of health, noise or

other issues. The fees collected for the permits go to Islands Trust by a designated process.

Judy Cross requested clarification of the term “site specific zoning” which is found on page 143 of the agenda package within item 6.5.2.7 of the Draft Hornby Island Official Community Plan.

Planner Porter responded that this is a reference to an individual property and a zone specific to that property as opposed to subdivided lots and that a new category is possible for short term vacation rental properties.

10. APPLICATIONS AND PERMITS

10.1 *HO-RZ-2009.2 (Hornby Island Resort Ltd.)*

Planner Porter provided a status update on the proposed application. He stated a draft covenant has been completed which will come to the Hornby Island Local Trust Committee for consideration.

In response to discussion, Planner Porter reminded those present that the public should not rely on a plan as a confirmation that the property would develop in that manner. The actual development design would be addressed in a Development Permit which has not yet been started. Discussion ensued regarding the parking and Planner Porter stated that the Development Permit application would require an outline of parking design characteristics and that it would have to comply with zoning bylaw requirements. If the Development Permit was issued, the applicant would also be required to apply for a Siting and Use Permit, which also addresses parking. Further, the bylaw that was tabled at the Public Hearing outlined public uses for property but did not establish inter-relationship with the list of uses and the applicant could choose any of those uses for establishment on the property. There is no obligation in terms of development and no obligation to fulfill what was presented at the public hearing.

Planner Porter stated that if the Local Trust Committee wants further exploration based on facts being presented today, another Public Hearing could be held and discussions to change the bylaw might be necessary. He estimated this could take an additional time of approximately two to three months. The Trustees felt it would be beneficial to have discussion with the applicant in order to determine if additional information is desired.

The Hornby Island Local Trust Committee asked staff to advise the applicant of the discussion and invite him to attend the next Local Trust

Committee business meeting on March 23, 2011.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 *HO-OCP-2009.2 (Short Term Vacation Rental Implementation Policy)*
Staff Report dated February 9, 2011

Planner Porter presented the Short Term Vacation Rental Implementation Policy Staff Report dated February 9, 2011, outlining the five categories of options available to the Local Trust Committee. Some options could conflict with the Trust Policy Statement; others would require bylaw amendments, or create a new community vision requiring community input and changes to the Official Community Plan (OCP). He commented that this work is central to the work on the OCP and suggested that the Local Trust Committee consider moving this issue up to the first priority with further work on OCP and land use bylaws being second.

A discussion followed considering the various options, the principles and community objectives involved, and the enforcement policy options.

Trustee Hunt reported that he has heard questions in community meetings regarding why it is necessary to address this now.

Planner Porter responded that from a planning perspective, it must be considered that current bylaws do not allow for vacation rentals. They are occurring with no enforcement. Community and business operators are wondering what the limits are and need to have that definition. This issue needs to be addressed in order to ensure compliance and respect for bylaws. Additionally, this policy is fundamental to the community, and as such should be addressed and managed in order to effectively plan.

Bylaw Enforcement Coordinator Drew emphasized that the current status violates the Land Use Bylaw. This fundamental issue needs to be resolved before other important matters can be resolved.

The Local Trust Committee decided to revise the agenda and address item 11.1.2 before item 11.1.1

11.1.2 Short Term Vacation Rental Enforcement Policy Staff Report dated February 18, 2011

Bylaw Enforcement Coordinator Drew presented the Short Term

Vacation Rental Enforcement Policy Staff Report dated February 18, 2011.

11.1.1 Short Term Vacation Rentals Submission dated January 19, 2011 from Trustee Law

Trustee Law gave an overview of his memorandum on Short Term Vacation Rentals (STVR), prefacing the proposal details by stating that with support and involvement from the community, it is his desire to resolve this issue. He outlined the various difficulties including community concern with Temporary Use Permits, enforcement concerns, Trust Policy Statement compliance, water resources and possible ways to mitigate the concerns. He noted that STVRs can result in changes to communities; however, he recognized that Hornby Island has a long history of being a summer resort and small lots were created as recreation properties as opposed to residential. He suggested that occupancy levels be set according to lot size, as is the case with Bed & Breakfasts (B&Bs) at present.

Bylaw Enforcement Coordinator Drew stated that from a bylaw enforcement perspective enforceability must be clear and made on the basis of evidence. The Coordinator would have difficulty ascertaining evidence of the occupancy levels and with this proposal lots less than 0.25 hectares would still need a Temporary Use Permit.

Planner Porter presented a map which showed relevant size properties that would require Temporary Use Permits under this proposal. He discussed the timing, processing and costs of obtaining the permits, suggesting that fees could be reduced and the process streamlined.

There was a short break from 4:05 pm to 4:15 pm.

Trustee Hunt recognized the importance of short term vacation rentals to the community, both from a historical perspective and from an economic standpoint. He expressed his viewpoint that allowing social networking advertising or owner-managed rentals are concepts that he could support, with Temporary Use Permits being applied for in cases that exceed those parameters. It is his belief that the application process could be made more cost effective and streamlined. He expressed his opinion that enforcement based on B&B occupancy levels would be problematic.

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Chair Bell thanked Trustee Law and staff for work done on this complicated matter and stated that the community now has all the information necessary to make a decision which will resolve the issue and allow completion of the Official Community Plan work. She explained that the Executive Committee's role is determined by the Islands Trust Act and described the process that would be required should an option be adopted that is contrary to Islands Trust Policy Statement. She acknowledged that it is hard to reach a consensus with issues that involve so many people. However, it is her strong belief that decisions that stand the test of time and take the long view will serve the community well.

HO-001-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws to implement option six (6) of the staff report dated February 9, 2011 with the addition of allowing vacation rentals as a home occupation on lots where this is possible and with reference to the document prepared by Trustee Law dated February 8, 2011.

DEFEATED

Chair Bell and Trustee Hunt opposed

HO-002-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted.

DEFEATED

Chair Bell and Trustee Law opposed

HO-003-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the motion be amended by adding "That staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive."

CARRIED

DRAFT

HO-004-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the motion be amended by adding “and bylaw enforcement policy is used to enforce the parameters” after summer months in the original motion.

CARRIED

The final wording of the amended Motion is as follows:

HO-005-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months, and bylaw enforcement policy is used to enforce the parameters and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted, and that staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive.

CARRIED

Trustee Law opposed

11.2 HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Staff Report dated February 9, 2011

Planner Porter presented HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Staff report dated February 9, 2011

The Local Trust Committee had the following comments:

- Page 50, Item 3.4 - requested staff clarify the section that begins with “a beaver dam”
- Item 6.5.4 - requested staff please reconsider use of the word “residential” as it is confusing
- Page 51 Item 6.1.5 - requested amenity rezoning be kept in and density transfer removed. Item b)i needs rewriting.
- The Local Trust Committee requested Items 6.1.6, 6.1.7, 6.1.8 and the information note that follows be deleted.

HO-006-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to complete all of the amendments to the Draft Official Community Plan as recommended in the Staff Report dated February 9, 2011 and that further work on the Official Community Plan and Land Use Bylaw be deferred pending resolution of the Top Work Program Priorities.

CARRIED

HO-007-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee:

1. That given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement:
 1. They are advertised on the internet (except social networking sites such as Facebook), newspapers or other media;
 2. They are not managed by the property owner or long term renter;
 3. More than one dwelling on a lot is simultaneously made available for Short Term Vacation Rental by the same owner or resident;
 4. While the property is rented persons are permitted to stay in tents, trailers, recreation vehicles, or accessory buildings;
 5. There are issues related to health and safety;
 6. There is a written complaint by an owner or resident of nearby properties about bona fide, serious nuisance issues such as noise or parking congestion related to the Short Term Vacation Rental;
 7. The operator of the Short Term Vacation Rental uses more than one property on Hornby Island as a Short Term Vacation Rental
2. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
3. This enforcement policy will come into affect on February 15, 2012 and until that time no enforcement against Short Term Vacation Rentals will take place except for reasons listed in Sections 1.5 and 1.6.

CARRIED

Trustee Law opposed

- HO-008-2011** It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that staff be requested to schedule a Community Information Meeting to present draft bylaws for community comment and discussion.

CARRIED

Trustee Law left the meeting.

12. REPORTS

12.1 Strategic Plan for Local Trust Committees

No comments.

12.2 Work Program Reports: Top Priorities Report and Projects List Report dated February 8, 2011

There was discussion regarding changing the order of items in the Top Priorities Report to reflect the need to complete work on the Short Term Vacation Rentals Regulations Review prior to the Official Community Plan.

- HO-009-2011** It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the Work Program Top Priorities be amended to move the Short Term Vacation Rentals - Regulations Review to position No. 1 and Official Community Plan and Land Use Bylaw Review to position No. 2.

CARRIED

12.3 Applications Log - Report dated February 8, 2011

Planner Porter presented the Applications Log.

12.4 Trustee and Local Expenses

12.4.1 Expenses posted to December 22, 2010

No comments.

12.4.2 Expenses posted to January 19, 2011

No comments.

13. NEW BUSINESS

13.1 Preparations for Meeting with K'omoks First Nation

13.1.1 Memorandum dated February 9, 2011

13.1.2 Memorandum dated February 2, 2011

The Local Trust Committee discussed the timelines and meeting plans which have been recommended by the Denman Island and Hornby Island Planners. It is suggested that the meeting be held on Denman Island for logistical reasons, that the expenses be shared by the Denman Island and Hornby Island Local Trust Committees and that it include lunch and small gifts as is customary. Agenda items from all three parties will be solicited.

The Hornby Island Local Trust Committee considered the arrangements agreed upon by the Denman Local Trust Committee and concurred with those arrangements. Further, it was noted that the public should be allowed to attend and observe.

13.2 Climate Change Pamphlet Proposal

Trustee Hunt reported that he and Trustee Law had met to discuss the proposed pamphlet draft and make suggestions. The timing of the design, printing and distribution of the pamphlet was discussed.

*13.3 Bylaw Referral Form: Denman Island Local Trust Committee Proposed
Bylaw No.: 199*

HO-010-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee return the Bylaw Referral Form regarding Denman Island Local Trust Committee Proposed Bylaw No.199 with a notation that the interests of the Hornby Island Local Trust Committee are unaffected by the bylaw.

CARRIED

13.4 *Bylaw Referral Form: Denman Island Local Trust Committee Proposed
Bylaw No.: 200*

HO-011-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee return the Bylaw Referral Form regarding Denman Island Local Trust Committee Proposed Bylaw No. 200 with a notation that the interests of the Hornby Island Local Trust Committee are unaffected by the bylaw.

CARRIED

14. **BYLAWS**

None.

15. **ISLANDS TRUST WEBSITE**

15.1 *Hornby Page*

Methods of communicating the enforcement policy that was adopted today were discussed.

HO-012-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to develop a communications plan regarding the decision made at the February 18, 2011 Local Trust Committee meeting and as outlined in this report for the approval of the Local Trust Committee.

CARRIED

The Local Trust Committee requested that the two Staff Reports of the February 18, 2011 meeting regarding Short Term Vacation Rentals and Official Community Plan Report be posted on the website.

16. **NEXT BUSINESS MEETING DATE**

The next Local Trust Committee regular meeting will take place on Wednesday, March 23, 2011 at 12:15 pm at New Horizons, 1765 Sollans Road, Hornby Island, British Columbia

17. **CLOSED MEETING**

HO-013-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee close this meeting to the public subject to section 90(1)(g) of the Community charter, and further that Brodie Porter, Island Planner, Miles Drew, Bylaw Enforcement Coordinator, and Vicky Bockman, Minute Taker be invited to attend this meeting.

CARRIED

The meeting was closed to the public at 6:48pm.

18. RECALL TO ORDER

Rise and report from Closed Meeting

The Hornby Island Local Trust Committee reopened this meeting to the public at 7:02 pm

19. ADJOURNMENT

Chair Bell adjourned the meeting at 7:03 pm.

Minute Taker

Chair



Islands Trust

RWM From: February 09, 2011 To: March 15, 2011

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2011-04	In Favour	"THAT the Hornby Island Local Trust Committee submit a request to the March 2011 Trust Council meeting, as a late item, to increase the proposed Islands Trust budget for 2011-12 by the amount necessary for an extra staff position for three months to complete the Short Term Vacation Rental program for Hornby Island and to facilitate opportunities to complete the Hornby Island OCP/LUB program scheduled for the 2008-11 term."	Mar 04, 2011



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Mar-17-2010

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project)	Brodie Porter	Aug-25-2010	On Going

Resolution: request staff to implement changes to draft OCP and LUB versions 1 March 2010 as identified in the meeting.

Resolution: 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.

Report back to LTC on APC resolution and recommendations (see APC minutes); respond to APC request for more information. Staff to advise LTC on s946 subdivision resolution; respond to APC recommendations regarding build out map.

Aug-25-2010

No.	Activity	Responsibility	Target Date	Status
2	OCP policy 6.3.4.1 is to be a subject of discussion with staff advice during OCP review process.	Brodie Porter		On Going

Oct-13-2010

No.	Activity	Responsibility	Target Date	Status
6	Request Ministry of Attorney General to designate the Hornby LTC as a local government under the Local Government Bylaw Notice Enforcement Act and to enact a regulation under Section 29 of said Act to apply the Act to the LTC.	Miles Drew		On Going

Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	Hornby Land Use Bylaw - consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Brodie Porter		On Going
3	HO-RZ-2009.2 (Thatch) Cost recovery agreement authorized to draft a covenant to address issues of sustainability and conservation and that the covenant be tabled prior to referral of bylaw 141 to Executive Committee. Cost recovery agreement in place and draft covenant is with applicant.	Brodie Porter		On Going
8	HO-OC-2009.1 - Staff to amend the draft OCP as discussed at Dec 15, 2010 meeting; proceed with work on draft OCP and LUB in accordance with Nov 16 2009 terms of reference that provides an OCP and LUB concurrently; and revised timeline dated Dec 15, 2010 is endorsed.	Brodie Porter		On Going
10	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.	Chris Jackson Brodie Porter		On Going

Feb-18-2011

No.	Activity	Responsibility	Target Date	Status
1	HO-OC-2009.1 - STVR - staff to prepare draft bylaws to: - allow a level of STVR use generally limited to summer months that is limited to social networking sites and word of mouth and is primarily targeted to friends and relatives through the use of enforcement policy to define parameters; - allow home vacation rentals for those persons who wanting a more commercial approach through TUPs or rezoning; and - staff develop a process to streamline consideration of TUPs that is less expensive to applicant.			On Going
2	HO-OC-2009.2 - STVR - Staff to schedule a community information meeting to present draft bylaws.			On Going

3	HO-OCp-2009.2 - STVR - Enforcement policy adopted as outlined in staff report presented at Feb 18 LTC meeting and staff requested to develop a communications plan as outlined in the report that includes use of the website to notify readers about adopted enforcement policy..	Miles Drew	On Going
4	HO-OCp-2009.1 - OCP Review - staff to complete all amendments to draft OCP as per Feb 9 staff report and that further work on OCP and LUB be deferred pending resolution of work program priorities.		On Going
5	HO-OCp-2009.1 - Chair will consult with Executive Committee re opportunities for funding to complete OCP and LUB within this term.		On Going
6	Work Program Priorities - STVR program established as top priority with OCP/LUB program as second priority.		Done
7	Meeting with K'omoks Nation - Hornby LTC agrees that a meeting with KFN should be held in coordination with Denman LTC in June or September on Denman Island; that Denman and Hornby LTCs share the costs; that the meeting be posted and held as joint LTC meetings; that the public are allowed to attend to view; that food be provided to LTCs and KFN; and that a gift be considered for KFN. Staff asked to further explore arrangements.	Courtney Campbell Sonja Zupanec	On Going
8	HO-RZ-2009.2 Hornby Island Resort Ltd. invite applicant to next meeting to discuss applicant's timing requirements. Staff to advise applicant of process options and LTC will consider at next meeting after hearing about applicant's time requirements as to whether further discussion will be held leading to another public hearing.		On Going
9	Denman Bylaw Referrals - advise Denman LTC that Hornby LTC interests are unaffected by bylaws 199 and 200.	Brodie Porter	Done

February 21, 2011

School District No. 71 Board
School Board Office
607 Cumberland Road
Courtenay, BC V9N 7G5

transmitted by email

Dear School Trustees:

Re: Bussing school children from Denman Island

As one of the two elected representatives for the Islands Trust for Denman Island, I have been informed by Denman parents that the School District No. 71 Board will be discussing bussing policies and procedures at its upcoming meeting tomorrow evening. The purpose of my letter is to ask Board members to remember the unique needs of Denman islanders and to ensure that any changes resulting from the discussion do not impact these families in an unfair manner.

As in Official Community Plans elsewhere in the province, Denman's Plan articulates guiding objectives for the community and policies to help achieve these objectives, The Guiding Objective for *Part C–The Social Fabric* in our Plan is as follows:

To identify and protect the elements integral to the social fabric of Denman Island, to foster the continuing development of a safe, self-sufficient, vibrant, diverse and harmonious human community and to maintain the rural character of the Island.

Achieving and maintaining social diversity for Denman Island requires that we attract young families. As a community we try to help these families overcome the challenges of living on a small island, as we know that without young families our community would become stagnant. One of their challenges is the travel required for post-elementary schooling and for the extracurricular programs that complement their formal education.

In my view school bussing procedures should avoid excessive travel time for all of the children using bus transportation. The more time students spends commuting, the less time there is for extra-curricular activities, homework, and quality time with their families. If travel times get too long, attending post-secondary school from this island is no longer a healthy and sustainable option.

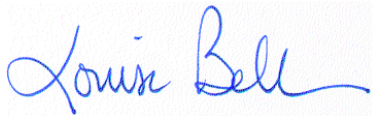
Also, bussing needs to be consistent and reliable. If bussing doesn't work relatively smoothly and the children have no other options to get home, Denman families are left in a situation where it can take a parent several hours of travel to pick them up and bring them home. It is simply not workable for Denman students to rely on the public transportation system.

Last, bussing policies need to be fair to all students and families in the region. For instance, the policy to not provide transportation for students attending 'by-choice' programs affects Denman students very differently than it affects others, making these programs far less accessible to the Denman students. As a result, Denman families wanting to access these programs are less likely to move to Denman in the first place or, if they do, they are more likely to move to Vancouver Island or elsewhere, once their children are old enough for these programs.

I've been told that the policy and procedure changes being considered by the Board could mean that Denman students traveling by school bus would return to Denman Island, not on the 4 p.m. as at present, but on the 5 p.m. ferry. This change would impact the lives of Denman children tremendously. And the impact would be even greater for students traveling from Hornby Island, who of course travel across Denman to reach their island.

Thank you for your consideration of these views. I would be grateful if you could inform me if changes are made to the bussing policies and procedures.

Yours truly,



Louise Bell

p.c. Denman Island Local Trust Committee
Hornby Island Local Trust Committee

----- Original Message -----

From: Michael Berman

To: 'Tony Law' ; 'Undisclosed-Recipient:.'

Sent: Thursday, February 24, 2011 11:07 AM

Subject: RE: Hornby Local Tust Committee - Vacation rentals

The concept of being able to monitor commercial vs. informal advertising is impossible. It will never be a clear distinction and therefore will not be enforceable.



3750 Slade Road
Hornby Island, BC
V0R 1Z0

28 February 2011

Hornby Island Local Trust Committee
c/o Islands Trust
700 North Road
Gabriola Island, BC
V0R 1X3

Dear Trustees,

I challenge your authority to make a declaration that short term rentals (STR's) are illegal on Hornby Island. Sorry to be so blunt, but I wish to make sure the intent of this letter is clear.

The whole current discussion on how and what to enforce is based on this premise, which I submit is a house of cards. You have produced no consistent documentation from the Hornby Island OCP and bylaws that explicitly supports that. What you have produced is a specious argument that since it is not listed as permitted on residential lots it must be prohibited. You have also claimed two court judgments, Whistler v. Miller (2001) and North Pender LTC v. Conconi (2009), as precedent. There is also contention that STR is a commercial use of land.

It has been your claim that the Whistler case is a precedent that justifies saying that short term rentals are prohibited on residential lots on Hornby Island. This is said to be based on the opinion of "our lawyer". The context of this argument has never been disclosed to us. Trustee Law has given me an e-mail address to lead me to it, but it does not work and I cannot find any reference in the Islands Trust website.

On the other hand, an opinion by a practicing lawyer who was (is?) also a property owner on Hornby Island was presented at a meeting here in 2005. She concludes that it is unlikely that a court would uphold your contention. She also cautions that if you start a document with the "STR's are illegal" statement, then you have to be wary of the responses. I do not know whether this document was logged in as received by the meeting, but it should have been. A copy is appended for your information.

Of course this document is only an opinion. It has no more relevance than your unnamed lawyer's opinion, but it also has no less. Only a court can make a judgment. Lawyers can offer opinions, but they do not constitute law. What we have here is an immense grey area, and it is folly to rely on one boundary of that area.

To return to the specifics of the Hornby Island situation, the OCP specifically states that rental of a dwelling unit to provide temporary accommodation for paying guests is deemed a home occupation. You are claiming that the Land Use Bylaw overrides that. That alone should invalidate your argument. We were told recently by a former trustee who was involved in writing the original OCP that this matter was thoroughly discussed and the intent of the original OCP was that short term rentals were a necessary part of

the island culture. This statement was made at an informal meeting which was attended by our two elected trustees and two staff members.

It is not clear what precedent the North Pender case has been deemed to have set. The case was ostensibly about (1) the use of a 34 acre property as a commercial resort or, failing that, (2) the use of a so-called storage shed for commercial assembly purposes. This is said in an IT press release to be the result of many complaints over the years relating to the use of a *shed being used as a residence, particularly concerns about untreated sewage being disposed of directly at the ocean.* Banquet hall or residence? Take your pick. The judgment was (1) the defendant is indeed using the property as a commercial resort and (2) granting an injunction *prohibiting use of the property as a commercial resort and wedding facility, and in particular enjoining providing the dwellings, wedding and recreational facilities to paying guests, using the dock for commercial purposes and marketing the property for these purposes.* The Judge cautioned that this wording probably also prohibits long term rentals, whether this was intended or not.

What relevance that has to Joe and Jane Taxpayer on a half acre lot on Hornby escapes me. There was no question that The Timbers was commercial and the defendant did not contest that. The former advertising for The Timbers is still on the web, with just a note that it is no longer available for weekly accommodation. There was also apparently radio and magazine advertising.

You are claiming that anyone who advertises the use of their property for short term rentals, or uses a third party agent for the rental is using their property for commercial purposes. There is again a massive grey area between a \$60 ad on a local website and the North Pender case.

What guidelines are there? The income tax regulations specify the expectation of profit when one claims business losses. There is no expectation of profit in buying a property for \$300,000, using it for two weeks in summer and renting it out for 6 weeks at \$1250 per week. (Anyone with money to invest in real estate can do much better with REIT's.) The provincial tax regulations specify a minimum of four units for rent. We could define commercial use with confidence in those terms. The present suggestions will result in a lot of friendly fire.

Sadly your propaganda is working. Local people are now speaking as if the matter was settled and they must either not advertise or take out a Temporary Use Permit on an oxymoronic permanent basis. I submit that driving the advertising and the agents underground does nothing for the supposed problem.

I again call your attention to the caution expressed by the author of the enclosed opinion that if you preface a document with the statement that STR's are illegal, the validity of the responses are suspect - a social manifestation of the Heisenberg Uncertainty Principal.

It is unclear to me how the North Pender case, which related to one specific and unique property, supports the issuance of cease and desist orders to 27 others. This should be allowed to play out before you issue orders here on six week notice and the threat of

\$5000 per day fine. We are told that this action on North Pender has been taken in response to many complaints, which is not the situation here.

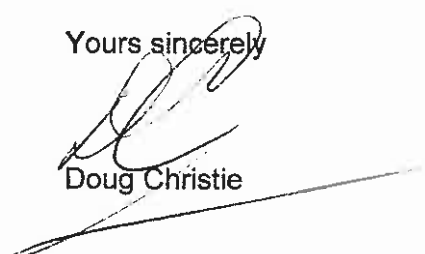
When asked why the Trust is eager to proceed with enforcement now Mr. Porter said in the recent LTC meeting that the bylaws do not allow rentals, operators are uncertain of the rules and are unable to make business plans and that the matter is fundamental to the community. Mr. Drew said that it is the law and there are wholesale violations, it is an unresolved issue, it discredits everything the LTC does and there is anxiety in the community over this. I will agree that what you are doing discredits the LTC. We all remember the near-revolt in 2005 which caused one trustee to lose the subsequent election and which derailed the discussion on new bylaws. As for anxiety in the community, you are the ones who are causing it. Rather than fixing a problem you are trying to create one. How many complaints have you received which would be cured by issuing a string of TUP's?

In short, stop and think. We have proposals on the table for self-regulation. We have found over the years that most of the problems with overcrowding and noise emanate from houses being occupied by relatives of the owners, not by renters. There are a few bad apples, such as the campground at the foot of my road, which can be weeded out, and viola, no problem.

I expect that you will ignore this, and that big bully Big Brother will threaten citizens who do not feel they are doing anything wrong with a \$5000 fine per day unless they confess to being criminals. No one has the resource to confront Big Bully, except at the ballot box. If people had the resources they would not need to rent their houses. And you will claim that compliance confirms guilt. I suggest that down the road the courts may be interested in a situation where you demand compliance immediately for a issue which may not be resolved for many years.

All I can do is put this on the record!

Yours sincerely



Doug Christie

**One Lawyer's Opinion of the Current Legal Status of
Short Term Tourist Accommodation Rentals, ("STR") on Hornby Island**

The Hornby Island Official Community Plan, Bylaw No. 104, 2002, (the "OCP") expressly recognizes short-term rentals and contemplates their continued availability.

"ss. 6.3.1 Residential-General

...the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally..."

ss. 6.3.3 Small Lot Residential/Water Protection Area (Whaling Station Bay/Anderson Drive Area)

ss. 6.3.3.8 Bed and Breakfasts and short-term rents are permitted as a home occupation (subject to 6.3.1.7) providing the number of guests does not exceed the design capacity of the approved water treatment system.

ss. 6.3.3.10 ...The use of water catchment and storage systems for household and garden use, and in particular for Bed And Breakfasts and short term rental home occupations, shall be strongly encouraged."

ss. 6.5.2 Visitor Accommodations and Tourism

...Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively.

ss. 6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation.

ss. 6.5.3.1 Home Occupation means an occupation or profession conducted for gain by a full-time or part-time resident of the lot on which the dwelling is located.

ss.6.5.3.7 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation.

The *Local Government Act*, (binding on Islands Trust), states that an OCP does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan. It is intended to be a general statement of policy. However, as also pointed out in the *Local Government Act*, all subsequent by-laws enacted "must be consistent" with the OCP. The OCP itself acknowledges this restriction:

"...Section 884(2) of the Local Government Act requires that all bylaws enacted, permits issued, and works undertaken by the Hornby Island Local Trust Committee be consistent with the Official Community Plan".

In the BC Supreme Court case, Nanaimo (Regional District) v. BC (Information and Privacy Commissioner) {1991} BCJ No. 1283, (BCSC), the Judge states:

"...the OCP does have a legal effect on the government bodies referred to, in that it controls or restricts all future development. It also does have some legal effect regarding private landowners as well, because zoning by-laws, which effect them, must be consistent with the OCP"; and

"I am also of the view that the OCP is a by-law or legal instrument "by which the local public body acts". When a regional district adopts an OCP by by-law it triggers, or brings into play, S. 884(2) of the [then] Municipal Act, which is a statutory obligation, and thereby requires all subsequent by-laws enacted and works undertaken to be consistent with the OCP".

It is suggested that, as the OCP is currently worded, Islands Trust lacks the statutory power to pass a bylaw that prohibits STR, as that would be in direct conflict with the OCP.

Assuming the OCP could be read in such a manner as permitting the exclusion of STR, the question then would be, "Does By-law 86 operate in such a manner so as to effect that prohibition?"

Bylaw 86 (1993) permits Home Occupations in Small Lot Residentially Zoned Areas. "Home Occupation" is defined as a *"commercial activity conducted for gain within a dwelling unit or permitted accessory building by a resident of the lot on which the building is located."* There is an enumerated list of activities "included" in the definition of "Home Occupation". STR is not on that list. However, courts have consistently interpreted such lists as illustrative only, and not exclusionary.

It has been suggested that an off-Island owner is not a "resident", and therefore, cannot undertake a "Home Occupation". As was pointed out by the Ont. Court of Appeal in Toronto General Hospital v. Renfrew (Town) (1925), 29 OWR 151, 58 OLR 71, at 73, when quoting from the Chief Justice's decision in Mellish v. VanNorman (1856), 13 U.C.R. 451, at p. 455:

"The term "resident" ...is differently construed...according to the purposes for which inquiry is made into the meaning of the term. The sense in which it should be used is controlled by the reference to the object."

It is of assistance to note that in the Ont. H.C. case Peterbaugh v. Marsbergen [1984] O.J. No. 392, the court was asked to define "residence", and made the following observation:

"It is quite clear that a person may have more than one residence. For example a person may have a residence at his summer cottage and another residence in town. Having a residence at a summer cottage is not broken by a temporary absence from the cottage during the winter months..."

The Court continued on to state that:

"The word "reside" is very flexible and has more than once been said to be incapable of exact definition. The duty of the Court in interpreting any statute where the word is found is to attribute to it such meaning as will best give effect

to the legislative will.... The true light must be found within the statute. All else only increases the darkness."

It should also be remembered that section 6.5.3.1 of the OCP speaks of a home occupation as being conducted by a full-time or part-time resident of the lot on which the dwelling is located. [Emphasis added]

{See also: Terminal City Club Tower v. BC (Assessor of Area No. 9-Vancouver) [2003] B.C.J. No. 1070, which held that individually owned strata-titled units remained residential units for the purpose of assessment, notwithstanding their acknowledged use as overnight, commercial accommodations, because 'residential use' did not have to include an element of extended duration. Although the case was overturned on Appeal on different, unrelated grounds, on the issue of the residential classification, the BCCA was satisfied that the view of the Chambers Judge regarding the residential status issue was correct.}

Furthermore, as the Judge in the Nanaimo Regional District case emphasized:

"The Courts are very protective of the rights of individual landowners, to do what they want with their lands. Hence, any statutory derogation from those rights must be clearly spelled out."

It is suggested that nothing in Bylaw 86 meets this test.

As the above discussion indicates, it appears STR are not "illegal" as a result of the OCP. Nor are they "illegal" as a result of By-law 86. It appears that, in presuming that short-term rentals are currently "illegal", Island Trust representatives have put much weight on the decision of the BCSC, (upheld without discussion by the BCCA), in Whistler (Resort Municipality) v. Miller [2001] BCJ No. 69. In the Whistler v. Miller case, the challenged bylaw included the following definitions:

"“home occupation” means a craft or occupation conducted as an accessory use subordinate to the principal use of a residential dwelling;

“principal” means the primary purpose for which the land, buildings or structures are ordinarily used;

“residential” means a fixed place of living, excluding any temporary accommodation, to which a person intends to return when absent;

“temporary” means a total of less than four consecutive weeks in a calendar year; and

“tourist accommodation” means a building containing one or more habitable rooms or dwelling units that are used primarily for temporary lodging by visitors.””

In light of the relevant definitions contained in the Whistler by-law, the Court concluded that renting the dwelling in question out for short-term rentals was not “ancillary” or “subordinate” to its “principal, residential use” and therefore, it was not a permitted use.

The Court found support for its conclusion from the fact that, (contrary to Hornby's current bylaw), the Whistler bylaw expressly disallowed "temporary accommodation" from the definition of "residential" use.

The Court in the Whistler decision also found that by-law prohibiting STR was valid and not beyond the powers of the Municipality to pass, because STR are not a 'normal and customary' residential use. Therefore, in addition to upholding the validity of the specific bylaw in question, the Whistler decisions, (both Whistler v. Miller and Whistler v. Wright) would support the assertion that governmental bodies have the legal capacity to draft a bylaw that expressly prohibits temporary accommodation within certain zoned areas. However, these cases do not stand for the proposition that, in the absence of expressly permissive language within the relevant OCP and bylaw, short-term rentals are deemed "illegal". Furthermore, the decisions most certainly cannot be said to override the expressly permissive language contained in Hornby's OCP.

In the absence of statutory or case law authorities indicating otherwise, I am of the opinion that the courts would not find that 'off-Islanders' who currently personally reside in their Hornby dwellings only part-time, and otherwise rent those dwellings out for seasonal STR, are acting "illegally".

In light of the fact that the Islands Trust Questionnaire currently being circulated contains an Islands Trust distributed Information Sheet that commences with the statement that "Commercial short-term rentals are currently illegal on Hornby", one is left to question the validity of the responses received.

Prepared by Katherine Owen
Barrister & Solicitor

Please note that, in addition to being a practicing BC lawyer, (called in 1989), I am also a 50% owner of a residential lot on Hornby. My brother and I use our property part-time, and rent the dwelling as a STR for several weeks each summer. The comments herein reflect my opinion only and are intended to provide general information. Readers should not act on the basis of this information without first consulting their own lawyer who will provide analysis and advice based on their specific matter and facts.

From: sapper1 [mailto:sapper1@telus.net]
Sent: March-02-11 8:51 AM
To: northinfo
Subject: Hornby ... Short term rentals

Hi

We have been property owners on hornby since 1974 and have been renting our properties for about 8 years

I do believe some regulation for rentals is in order on hornby but some of the proposals are ridiculous

hornbys economy is based on tourists and has limited accomadations already . imposing more costs on people who wish to rent thier homes is insane. And outlawing them would destroy hornbys economy

Where would people stay for the festival?? and the other assorted functions we have

I know we all hate the "Summer people" but reality checkthey support hornby

The \$600.00 fee would be used for what?? if you want to have permits make it reasonable. what purpose would the permits fufill ?do you really think that this could be inforced? i think having a property manager looking after rentals is much better than having the owners looking after thier rentals as most owners are not on the island when the propertys are being rented...at least the property managers are. As far as limiting the amout of people on the propertys..well its been my expierience that the owners usually have more people than the renters.. And i do believe the owners are quite capable of regulating themselves... after all we do own the properties and we do want them kept in good shape and have water and septic for our personal use not just the renters

All being said i realize that bureaucracy must continue on.. but lets not loose sight of what hornby is

Walter and Jane kamlade

From: locumbob@hotmail.com [mailto:locumbob@hotmail.com]
Sent: March-03-11 6:25 PM
To: holtcwebmail
Cc: locumbob@hotmail.com
Subject: Hornby Island Local Trust Committee



Islands Trust

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

March 03, 2011

From: Bob Henderson

Email: locumbob@hotmail.com

Subject: Hornby Island Local Trust Committee

I am writing against the curtailment of STR on Hornby Island. Such changes in approach, I think have to have a goal that is for the better good of the community. If the LTC feels that it is essential that STR be banned on smaller lots, then so be it, get on with it and witness the profound effect on the island economy. If the LTC wants to gain money for the IT through TUPs then get on with it and set reasonable costs. It makes no sense to me to play with the 'rules' and ban advertising which certainly causes no harm. 'Renting' to friends and relatives makes no sense as they tend to stay free. I plan to free myself of the hassle and sell, breaking bonds that I treasure.

www.islandstrust.bc.ca

From: Wayne Wiens [mailto:waynewiens@hotmail.com]
Sent: March-04-11 9:46 AM
To: northinfo
Subject: Temporary Use Permits on Hornby Island

Dear Trustees,

Please find attached a letter outlining our concerns re: Short Term Vacatiion Rentals on Hornby Island.

We wish to place this on public record and encourage you to refer to it in your discussions and deliberations.

Yours truly,

Wayne Wiens
Andrea Lebowitz
Charles Western
Phyllis Western

Anderson Drive

Re: proposed approach to Short Term Vacation Rentals

We wish to express our full support for the approach proposed by trustee Hunt.

In recent summers we have seen a growing number of renters in our neighbourhood. Their attitude and behaviours have led us to believe that short-term rentals need to be regulated.

Many vacationers without connections to the community on Hornby Island come with a general attitude that the normal rules don't apply. They are on holiday and it's time to party! We see this writ large on Tribune Beach each year. But it is also an attitude carried over to vacation homes.

Our neighbours and we are frequently seen as quaint local colour, or as wallpaper. At first, this bemused us, but we are more and more frustrated and annoyed by their growing numbers and lack of general civility. They do not seem to understand that they are visiting a neighbourhood.

We do not claim ownership of the beaches and roads in our neighbourhoods, but we do see ourselves as stewards of the natural beauty and way of life that are being interfered with in several ways. As examples, we have been moved to engage in the following recent incidents:

A group of 8 people on the beach tossing seastars in a grisly game of baseball.
The same group partying loudly until after 3 AM.
All of them were staying in a local STVR.

Another group throwing stones into tidepools, using anemones as targets.
All of them were staying in a local STVR.

Two men in large pickup trucks racing down Anderson Drive because they thought it was a remote rural road. They seemed unaware that children, deer and older folk were regular users of this "backwater" road.
They too were staying in a local STVR.

A group of vacationers building a campfire on the sandstone beach, unaware of the dangers in doing so and also unaware or unconcerned that there was a campfire ban in effect. They too were staying in a local STVR.

There is also the issue of excessive water consumption during the summer months. As you know, there is a limited amount in the aquifers, and supply is especially a problem in the warmer months.

We believe that regulations are needed, and timely. The problem with STVR's is not static; it is growing. The incidents we cite above would not have occurred 10 years ago. If we must police our own neighbourhoods, we would like the support provided by regulations.

We are friends with some of the "third parties" involved in this issue and have no wish to see them lose income. We believe that regulating STVR's is not equivalent to ending them.

As a suggestion, permits issued for STVR's could include:

A description of the importance of respecting the natural environment
A description of the behaviours expected when visiting a neighbourhood
A description of intelligent water use

We further suggest that the Hornby Island Local Trust Committee consider creating a noise and/or nuisance bylaw. We look forward to further reports on affordable, streamlined, and enforceable Permit proposals.

Yours truly,

Wayne Wiens; Andrea Lebowitz; Charles Western; Phyllis Western

Anderson Drive

----- Original Message -----

From: Wendy Edwards

To: 'Tony Law'

Sent: Saturday, March 12, 2011 8:20 AM

Subject: RE: Hornby Local Tust Committee - Vacation rentals

I am Wendy Edwards owner/operator of Hornby Holiday Homes

You both know me & have picked my brain regarding vacation rentals over the years

How nice of you to decide to destroy my business, operating since 1989

It started with a couple of neighbours & friends asking me to clean, mow, pick-up garbage & liaison with their guests

Soon I had 6 houses & started hiring help for the maintenance services

My job starts in November when people start booking and goes steady through to October.

There are usually 8 weeks in the summer 5 of which will be booked.

However many of the homes I manage only have 2 weeks open for guests

No one including myself makes a 'fortune'

My income from property management is well below the poverty level & I am required to pay HST on my income.

As with most folks on Hornby one has to wear more than 1 hat to survive financially

I have fewer houses now by choice as the problem homes were always the ones without plumbing.

I won't rent a home without septic, just too much of a head ache

So call me illegal and 6 islanders will lose their jobs & 15 homes will not be available

I would have liked to have passed on my business to someone else

I believe what I do is a valuable service to off island home owners and the community

Wendy Edwards

From: Helen-Middle Mountain Mead [<mailto:helengrond@yahoo.com>]
Sent: March-16-11 3:28 PM
To: northinfo; Fred & Christine Hunt; Tony Law
Subject: Reasons for wanting to see STVR legalized

To the LTC

In my last letter I explained that I did not want to see TUP's instituted on Hornby Island. I would like to follow that up with reasons why legalization of STVR's will have many positive consequences on the Island.

1. Will provide stability to the entire tourist industry on the island. Since STVRs are the largest source of tourist accommodation and a significant source of customers for local businesses, I believe it needs protection.
2. It will allow for an opportunity to oversee and regulate the industry on the island. This is a much better option than the "free for all" which will take place if TUPs become law. Widespread attitudes on the island right now are that people will not be applying for TUPs but will continue to do STVRs in any way they can. Driving this industry underground will result in the loss of being able to carry out a "best possible practice".
3. I believe that legalized STVRs will provide an opportunity for home buyers to purchase properties they might otherwise not afford. The income will be legal and can be used to qualify for mortgages. It has always been very difficult for people to qualify for mortgages on the island and has been a major barrier for home purchase.
4. Organizers of the Hornby Festival have expressed great concern over the future of the festival should the STVRs be compromised. The majority of ticket holders come from this particular group of visitors.
5. Last but not least, it would be a great disservice to the Island to explicitly move in a direct which is going against the needs and desires of Hornby Islanders as stated over the last few decades.

Yours Truly
Helen Grond

----- Forwarded message -----

From: Russel Roy <russelroy@gmail.com>

Date: Wed, Mar 16, 2011 at 10:09 PM

Subject: STVR's

To: fhunt@islandstrust.bc.ca

Hi Fred,

My name is Russel and my wife Cori and I run an STVR here on Hornby.

Right now I am unemployed after working 20 years with the government as the Occupational Health and Safety Officer/Manager at Nanaimo and Saanich School Districts.

I am currently working on projects on our five acre parcel off Gunpowder and studying on line through Royal Roads University to get my Masters in Emergency and Disaster Management.

I would love to start an organic farm here on the property.

I have contributed quite a bit to the island over the years, I was a firefighter here for 5 years. I love this community and want to help build community resilience and sustainability here.

For years my wife and I have been spending our summers here and improving our property. I have considered myself a "weekend warrior" for a long time that is, coming up on the weekends to maintain our property and enjoy it.

We have had it for sale several times but we have never received an offer anywhere near what we consider the property is worth (at least to us) and in all likelihood we will never sell it.

We have been so lucky to have been able to supplement our income with STVRs.

In fact, the income is really critical for us right now given that I am a student for a while. There isn't too much else that I can do here on the island other than plying my skills as a carpenter working in construction to earn a living and pay the bills.

Travel costs make it expensive to live here, the STVR helps so much.

I am getting more and more safety and emergency / disaster consulting work though and I expect that will increase.

We would very much like it if the STVR concept stays alive here on Hornby. I know that it has been curtailed on other islands but I am sure hoping that we can be different here on Hornby and keep STVRs going. I don't see why we can't be different. We are much more isolated than the other islands and the summer vacation draw is one of the few economic activities that benefits us all.

I am not sure why this is a big issue right now at all. Is there a big problem with STVR's? What are the problems? Recent complaints? I know that our friends at Seabreeze tell us that they don't have a problem with STVRs. Are concerns being raised by other commercial operations?

We have never had any problems with our STVR renters and I am sure that the "extra wallets" that we bring to the island helps the local businesses and artists.

I don't understand why you are against STVR's, are you? If so, I ask you to reconsider your position and work with us as owners as we move towards the establishment of a grass roots STVR association to oversee this important income generator for islanders.

I think an owners association would be able to address any concerns. Please give us a chance to survive here.

Folks love our island and all the people that we have provided lodging for have been respectful and careful with our home and the island in general. Often it is families who stay with young children and grandparents. They consider it a slice of heaven here. I know that many visitors would be so disappointed if STVRS are shut down.

We don't need TUPS with all the red tape and bureaucratic hassle. I am sure the Islands Trust is already very busy and TUPS would only increase the demand on your already limited time.

Please give us a chance to run an association. We can make this work. Don't eliminate this vital economic benefit for us and the island.

It really is a bread and butter issue for us as I expect it is with other owners as well.

We need to develop economic resilience here and not destroy one of the limited economic opportunities for average people.

Sincerely

--

Russel Roy

Cell (250) 661-9063

Hornby (250) 335-1907

SGH Vacation Rentals

Our Website: <http://gotohornby.com>

Earthquake Search and Rescue Training
eqsar.com

From: Stephen McGrath [<mailto:smcgrath03@yahoo.com>]
Sent: March-17-11 12:29 PM
To: northinfo
Cc: Louise Bell; Fred Hunt; Tony Law
Subject: stvr/hornby

To whom it may concern:

I'd like to express my disappointment in the direction taken by the Islands Trust to regulate stvr's on Hornby. For the past 40 years stvr's have

be essential in contributing to the island's economy. It has allowed tens of thousands of visitors to enjoy Hornby's 2 Provincial Parks, attend the

Festival, and contribute to the financial stability of the Island. Your attempt to regulate by insisting on TUPs will result in forcing the community to react in ways that will only create division and animosity. Have you really thought through your approach? Your references to Tofino and Whistler are a bit of a stretch.

How is Hornby similar? The geography alone limits income streams. If you're an artist in Vancouver with a piece in the window of a gallery, how many people see your work daily. Compare that to the exposure one receives on Hornby? Your attempt to impose rental restrictions will absolutely decrease island traffic.

Where are all the visitors going to stay-on Denman. You know the answer to that question. Would it be a better solution to change the zoning and allow larger resorts/hotels/motels to open on the island to handle the visitors. How does that follow the mandate to protect and serve. The Festival attendance has been declining. Most locals attend by volunteering (the ticket prices are out of reach for many) The primary source of income comes from the visitors who rent houses on the island during the two weeks of the event. Most people who rent their homes need the income to pay taxes, insurance, make repairs. Stvr's employ islanders as no other on island enterprise does. Consider the impact by removing approximately 1 million from the yearly Island economy. If there are 120 rentals at an average of 1 thousand a week x's 8 weeks=800,000 an impact that affects everyone living on Hornby. I could continue to list reasons, but perhaps it's time to conclude. A proposal will be made to allow owners of stvrs to self regulate. A similar proposal was made in 05, but was

benched by the trust. Each home would insist on having a clear contract addressing water use, sewage, trash, noise, density. People in violation would be excluded from advertising on the Hornby website and pressured to comply. Give owners an opportunity to take care of these issues, instead of insisting otherwise. We get things done. The new clinic is a perfect example of the energy this community can muster. Thank You.

Respectfully Submitted,
Stephen McGrath
Resident

From: PATRICK LAVIN [<mailto:patricklavin@rogers.com>]
Sent: March-18-11 9:49 AM
To: northinfo
Cc: lbelle@islandstrust.bc.ca; Fred Hunt; Tony Law
Subject:

Hornby Island Local Trust Committee.

Dear Madame/Sir:

As a part time resident on Hornby Island and someone who participates in summer rentals, it is unclear to me what is driving the move to eliminate summer rentals on Hornby Island.

Before becoming a home owner on the island, my family rented for many summers. This afforded us the opportunity to come to Hornby in the summer, contribute to island life, and develop ties which eventually lead us to become island tax payers. If we thought summer rentals impacted on the rural atmosphere or sense of community we would have not chosen to buy a home here.

Has the Islands Trust actually quantified the negative impact of summer rentals? If so, what terms of reference are being applied? Is the elimination of summer rentals being applied across all islands in the Trust without local input?

Certainly summer rentals bring considerable economic benefit to the community. I would imagine that this is a vital source of income for many Hornby residents, who depend on this income for the rest of the year. What is to be gained from removing that revenue source from residents? Surely some of the established community would have to leave the island. Would these people be replaced by those with the same sense of island community?

In the years I have rented my home, I have had no complaints from neighbors. Indeed, most find renters to be a welcome distraction and new group of friends. All renters have been highly respectful of the environment and fellow residents. Like my family, these people are here to preserve the island atmosphere, not abuse it.

As a Hornby Island home owner, I would happily have summer rentals regulated, but these regulations should be determined by the community, not imposed from outside. The local community should have the right to review summer rental impact (and its loss) and derive locally applied bylaws based on those reviews.

Respectfully,

Patrick A. Lavin, MD, FRCPC

From: sapper1 [mailto:sapper1@telus.net]

Sent: March-18-11 8:47 AM

To: northinfo

Subject: short term rentals

Hi

it has come to our attention that short term rentals are now illegal????

what is the purpose of getting a permit that may and may not be issued??

every 3 years???

why?

This decision was made by who???

This affects all residents of Hornby and should be voted on by the taxpayers who fund Island Trust

It has become apparent to us that the Islands Trust has lost sight of its mandate

"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"

We would like to know the benefit of making short term rentals illegal for the property owners and residents of Hornby

all we can see by this action is negative impact socially and economic

If any bylaw must be passed short term rentals should be allowed as they have been for the last 30 years

Hornby Island is unique and part of that is short term rentals.. Housing the summer visitors is an important part of Hornby
this is wrong

walt jane gord jake krissy Kamlade

From: Elspeth Armstrong [mailto:elchris@telus.net]
Sent: March-17-11 6:03 PM
To: northinfo
Cc: lbell@islandstrust.bc.ca; Fred Hunt; Tony Law
Subject: short term rentals bylaw hornby island -march 23rd, 2011 meeting

I am unable to attend the March 23rd, 2011 meeting due to being out of town. I would like the following submission to go on record regarding the issue of "short term rentals" on Hornby Island.

I am writing, first as an artist whose studio is open to the public during the summer and fall months, as a fortunate permanent resident/homeowner, and as a former local trustee, Gambier Island, regarding the "Short Term Rental" [STR] issue.

In all the years [over 20], that my husband and I have been visiting Hornby, plus the last 4 years as a resident, I have not heard of any serious complaints about short term rentals –and, it is very difficult on a small island, not to hear what's going on.

This will be my 4th summer that my art studio will have been open to the public. Over the past 3 summers, and into fall, I have had many, many visitors of whom from chatting, learned that 90% are summer vacationers – staying anywhere from 3-5 days to a week, and all LOVE HORNBY. It's their absolute favourite vacation place! Many keep coming back year after year; for first time visitors – "we will be back". Business has been very good for me – 90% of my sales are to vacationers.

When I was a trustee for Gambier, an Island of which 60% is crown land, the focus of islanders was to protect that crown land as a park for visitors and islanders alike. Not an easy task due primarily to bureaucracy. When developing the first community plan and bylaws, as a trustee, we went to the community, residents and property owners, via a questionnaire, to ask how they wanted their community to develop – we received a 67% response, and from that arose the community plan and bylaws. 25 years later, it was time to review the community plan and I chaired the committee who developed a more detailed questionnaire which was mailed to every property owner and resident on the island. Again, the trustees at that time, paid close attention to those results in updating the community plan and bylaws.

So, what is happening here on Hornby? Are property owners and residents not being listened to? It would appear that there is a groundswell of approval of the status quo regarding STRs, yet 2 of the 3 trustees, who will make the final decision on this proposed bylaw, prefer to listen to Islands Trust staff and not the people they represent. The question then arises, why do we bother electing trustees, if all they do, in retrospect, is follow staff's instructions? It's quite obvious, they are not listening to, or heeding, the majority of the public's wishes.

So, who wins if this draconian bylaw is enacted? Well, I guess the bylaw enforcer could be busy, thus earning a few sheckles; the Islands Trust staff will be happy now that they have coerced and subdued a renegade island into conforming to a good military plan – every island must have the same rules and regulations. Who else? – possibly, but highly unlikely, bed and breakfast operations, lodge(s), and camp grounds. The more important question is, **WHO LOSES? – VACATIONERS**, for one. We are so fortunate to live here – aren't islands for sharing? **ISLAND ENTREPRENEURS** - those who depend on the farmer's market, the hugely successful hornby festival, arbutus arts, fibres, bookstore, local restaurants who operate primarily during the summer and fall months, potters, weavers, artists and our local co-op [who I believe have stated on more than one occasion, how very important **SUMMER VISITORS** are to the economic health and survival of the co-op]. 80% of my sales are through my studio during the summer and fall. Is this what the Trustees want for Hornby Island? Are these the people we all should blame when businesses fail or people leave because there is not enough work/income to survive due to this bylaw? Let's get with the program – **HORNBY is a TOURIST DESTINATION!** Do the trustees not visit other places for a vacation? Why is it so difficult for the trustees to work with the community, rather than relying on staff, to find a solution that works **For not Against**, Hornby residents and property owner?.

The repercussions of this proposed bylaw will have long term implications and I urge our trustees to re-think, do your own research and heed what is being said. This island has a lot of very intelligent, smart business people, retired and active, who have offered much sage advice.

Thank you for your time.

Elspeth Armstrong
5455 Porpoise Crescent
250-335-0744

From: Frances Millan [<mailto:wind2@unlserve.com>]
Sent: March-17-11 3:16 PM
Cc: northinfo; Louise Bell; Fred Hunt; Tony Law
Subject: Islands Trust & STR's

March 17, 2011

Local Island Trustees and staff:

I am extremely disappointed in our Islands Trust. In spite of years of meetings regarding short term vacation rentals where the community has shown strong support for this vital economic activity; the very people who were voted into represent the Island have turned against the very people who voted for them.

Louise Bell has no love of STRs and has worked to ban them for years, but then again she does not represent Hornby Island, so should she really have a vote in this important issue. No.

Tony Law has taken the time to listen to all sides and really wants to come up with a workable plan, though the powers that be seem to be against working out a viable solution.

Fred Hunt does not seem to understand that the Hornby Island community needs tourism to survive.

The Islands Trust is trying to force all the islands to fit into the same mold. Surely that is one of the wonderful things about these Islands, they all different and the communities are as diverse as the geology of the islands. That is why the Trust's mandate is to preserve and protect.

So why now is the trust trying to destroy our unique and thriving community?

Vacations rentals have been operating successfully on the Island for at least the last 40 years. At the time that the original community plan was being written, community members recognized the critical importance of this activity to our economy. In their wisdom, they understood that housing visitors in private homes would satisfy the following goals:

-Keep the rural atmosphere of the island intact (prevent hotels and resorts from proliferating)

-Maintain close community connections between families renting out their homes and the visitors coming (usually for many years).

-Spread the economic benefits to as many residents as possible rather than concentrating that benefit in the hands of a few.

-Give people an opportunity to raise funds to pay mortgages, put on a new roof, pay taxes, and in many cases simply survive in a community where economic opportunities are very scarce.

- Bring money to the Island businesses and.

There have been virtually no complaints against this activity in recent years – a testament to how well this practice is carried out within our community. Nevertheless, we recognize that SOME CONTROL is important for the community as a whole. We favour a locally administered home owner's association and have a proposal as to how such an organization could regulate this activity in a much more effective way than the current bureaucratic "enforcement" policies favoured by the trust.

Vacation rentals provide a very significant; probably the single most important; source of customers and income for all of our local businesses and importantly **on an Island where it is not feasible to go off-island to work, vacation rentals create jobs for locals.**

I manage about 35 homes for STRs. I have been doing so for 20 years and very successfully. I have very stringent regulations as the number of people, cars, pets, water and garbage. Complaints can be directed to me and I will deal with them immediately. A number of times in the past I have told people to leave who have exceeded the number of people. I am angry that 3rd party management business like myself are now targeted, as are those that use the Internet to advertise. I do not advertise by any other means and do not have glossy flyers or brochures with misleading information.

The bylaw enforcement officer Miles Drew, at a meeting February 17th, 2011; admitted that his family has a vacation rental home on Hornby Island. He suggested that owners go underground to rent their homes and not advertise.

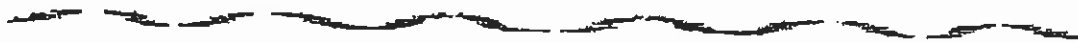
Mr. Brodie the planning officer, understood and agreed STRs are important economically to Hornby Island. He said there are ways to make them legal, one by changing the by-laws.

I demand that the option put forward by one of our long-standing trustees to consider vacation rentals as a regulated legal use, and be allowed to go through a proper community wide review so that we can have some self-determination on this extremely critical issue.

If the policy suggested by Fred Hunt be enforced, it will not just be detrimental to the Hornby Island community; it most likely will destroy it.

Sincerely,

Frances Millan, manager
Wind & Waves Vacation Homes
Office: (250) 335-0968



From: Barbara Baird [mailto:barbara@island.net]
Sent: March-17-11 3:11 PM
To: northinfo
Cc: Tony Law; Fred Hunt
Subject: STVR's on Hornby Island

March 16, 2011

Hornby Island Local Trust Committee

Dear Local Trust Committee,

I am writing regarding the option currently being explored by the Local Trust Committee with regard to Short Term Vacation Rentals. I understand and appreciate the amount of hard work put in by both the Local Trust Committee and the Islands Trust staff to come up with an appropriate approach to Short Term Vacation Rentals on Hornby Island. I have spoken with both of our island Trustees and they assure me that they understand the social and economic importance of Short Term Vacation Rentals to both Hornby residents and off-island guest families. So I would hope that any approach undertaken by our Local Trust Committee would be extremely well thought out and supported by both island Trustees and a substantial majority of island residents. I would also like to introduce the Hornby Island Rental Home Association being formed to provide Best Practices for both short and long term rentals on Hornby Island.

I would like to make the following observations regarding the currently proposed combination approach of a Bylaw Enforcement approach with a system of Temporary Use Permits (TUP's):

1. I am told by Island Trust staff that there is no example in the Islands Trust area where a community has successfully used TUP's to regulate more than one or two Short Term Vacation Rentals. Thus there is no evidence for Hornby Islanders to rely on to say that TUP's might work for us when they have clearly not worked in other communities.
2. Islands Trust staff is not able to tell us if STVR's on other islands are continuing 'under the radar' or if home owners have given up renting their homes in the summer. A complete lack of information indicates the worst kind of management tool. This approach does not solve any of the underlying issues that staff has mentioned regarding STVR's, i.e. density, water use, character of neighbourhoods, or illegal use of a residential property. The most that can be said for it is that overt 'commercial behaviour', i.e. advertising and third party management, has ceased.
3. Water use and conservation is a very important issue for Hornby Island. However, it is not particular to homes rented by the week. Guests to Hornby need to understand the importance of conserving water as do all other residents. The new Hornby Island Rental Home Association would stress education and installation of water meters, water storage capacity, and water saving appliances for all residents, encouraging a spirit of cooperation across neighbourhoods rather than a system of TUP's which could inflame a sense of competition over water resources.
4. Owners of homes who might rent out long term rather than short term should be encouraged and supported. The new Hornby Island Rental Home Association would maintain lists of people who would like to rent and who have good references, and provide other support to both home owners and long term renters to facilitate this important activity on Hornby. We feel that this positive approach will be more successful than the negative approach of suppressing some short term rentals to produce more long term rentals.
5. By creating a set of Best Practices for STVR's on Hornby Island, many problems can be resolved before they occur. Problems that do occur could be addressed by the Association in a low key manner, without recourse to bylaw enforcement. This would be more in the spirit of Hornby Island, fostering a spirit of cooperation and mutual respect.

6. Hornby Island is two ferries away from any other source of employment and has experienced a major increase in the cost of living (particularly property taxes and ferry costs) over the past 15 years. It is no coincidence that STVR's have grown in number over this same period of time as many residents struggle to hang onto their Hornby dream, including many not directly involved in rentals. This economic activity supports everything from the Farmer's Market to the Hornby Festival to local artists, craftspeople, restaurants and stores. There is no other potential economic activity on the horizon that could replace STVR's and give the same economic boost to the entire community. Those who came to Hornby because of its vibrant and diverse community may see a marked graying and silencing of the island, if care is not taken by the Local Trust Committee.

Thanks for your time.

Regards,

Barbara Baird

Owner of a 'Home Occupation' type STVR on Hornby Island

From: Karen Ross [<mailto:karenross@telus.net>]
Sent: March-17-11 2:43 PM
To: northinfo; Fred Hunt; Tony Law
Subject: Hornby Island vac. rentals

March 17, 2011

(please also consider my letters to you, from 2009 and 2010, as still being pertinent.
 I have tried to address some new ideas in today's letter)

Letter to the local Hornby Trustees,

Re: Short Term Vacation Rentals, the latest Islands Trust proposal

Despite many, many years of properties being rented for seasonal use on Hornby Island, the Trust is suggesting that these rentals are illegal (on residential properties under ten acres) and need to be addressed. Currently the Trust is moving forward on recommending Temporary Use Permits for short term vacation rentals. I would like to go on record as opposing the singular, blanketing use of T.U.P.'s, and would ask the Trustees to have a more measured look at the situation, and try to accommodate this matter in a different manner.

Why do I believe Islands Trust proposed T.U.P. would be ineffective?

1. Cost, to the applicant. But, more importantly, cost to the Community, as the Trust would have to dedicate many more man hours of Trust time to deal with the application process and the resulting enforcement. The Trust is funded through our tax dollars.
2. Volume of properties affected, how could the Trust effectively deal with a hundred+ applications? And that's just on Hornby. The same staff are also dealing with similar regulations on other Gulf Islands.
3. Ineffective use of Trust manpower. Would everything else on the work agenda be shoved to the back burner? If a thriving "home" occupation is the biggest problem the Trust faces, why do we even need them?
4. If there are legitimate issues to be dealt with – water/sewer, etc. why only target the 10 - 20% of vacation rental properties? Why not put policies in place that would deal with these issues for every property in the same area? i.e. if I share my property, I would be subject to regulation. My next door neighbour, who doesn't rent, would not be regulated. Does this make sense?
5. It risks pushing the activity underground. The cost of enforcement, law suits, etc. then becomes even more astronomical. And the cost in human suffering, why force law abiding home owners to start feeling like criminals?

Because I don't think that TUP's will be supported, but see that the confusion created by their implementation could mean fewer visitors to the island, I ask: Is this what we want? Do vacation rentals contribute to the betterment of the whole community?

- Clearly, individuals who rent out benefit financially, but what about the ripple effect? Rentals provide much needed places for visitors to be accommodated. There are probably 5 or 6 times as many vacation rental properties as there units, in the 3

commercially zoned accommodation businesses on the island. Without vacation rental properties where would these visitors stay? Many years ago, our community went through the process of reviewing how we wanted commercial properties to develop. At that time it was decided it was better to have limited, small pockets of commercially zoned parcels. Then have low impact uses, such as home occupations and accommodation, spread throughout the island.....better physically for the "preserve and protect" mandate and better financially to have income in the hands of many more people.

- People staying in vacation rental properties are generally here for one week to explore and discover Hornby. To the local economy this means that every day they are out spending money in the community. Could the Farmer's Market folks, the restaurants, the artists/craftspeople, the Coop/Gas Bar/Ringside, the spirit venues, the Cove and Spit businesses, and ANY other small business stay alive without the influx of money the visitors bring?

- When a "year round resident" receives rents seasonally, that rental income trickles from their pockets into the local economy throughout the whole year. When "summer people" rent out their "summer homes" does any of this money stay on Hornby? Yes, not only the direct money their renters spend during their vacation, but also the home owners employ local people. It is local people who cut their trees, maintain their yards, build their additions, clean the houses, etc. Their property taxes help support our school, recycling depot, firehall, parks, etc. Additionally, summer residents have historically been exceedingly generous in supporting fund raising activities benefitting many island causes and groups. Where would our beloved Festival be without them?

In summary, I have looked at alternatives presented, and know that there are many opinions in the Community. But I believe that we must consider the social, and economic, impact of attacking this industry. It's sustainable, it's clean, and it's traditionally very well run. If the Trust believes the industry needs guidance, and is having a problem coming up with a non-bureaucratic method doing this, let's consider a locally mandated, home grown, association whose mission it is to encourage that the visitors to the island are respected, and be respectful.

Let's not throw out the baby with the bath water.

Regards,
Karen Ross

Brodie Porter

From: Tony Law (tlaw1@telus.net)
Sent: Tuesday, March 22, 2011 9:28 AM
To: northinfo; Brodie Porter
Cc: Louise Bell; Fred Hunt
Subject: Fw: Please Accept My Comments on the proposed by-law for Short-Term Rentals (STR).

Please receive email below. Tony

— Original Message —

From: Randy Wunderlich
To: Randy Wunderlich ; Tony Law
Cc: Jeanne Wunderlich ; wind2@uniserve.com
Sent: Tuesday, March 22, 2011 8:31 AM
Subject: RE: Please Accept My Comments on the proposed by-law for Short-Term Rentals (STR).

Tony,

I understand the Island's Trust is now trying another tactic to eliminate short term rentals, so now we have evolved from an exercise in social engineering to obtain affordable housing, to an attempt to use environmental impacts as the justification to just plain bullying.

I strongly object to what the Trust is trying to do. The value of the whole Islands Trust concept should be reviewed, not just the impact of this prohibition in my opinion.

For the 50 odd years we have been going to Hornby Island short term visitors were welcomed to the Island. Hornby was a sustainable community based on the income provided by those visitors and diversity was celebrated. That is what created the Hornby we know and love today.

Also, I understand the legality of the "prohibition on short term rentals" is under significant scrutiny. The quotation "could drive a bus load of lawyers through the gaps in that bylaw" is a quote I recently saw coupled with the statement that it "was like saying because there are stop signs, it is illegal to stop anywhere else". This really concerns me as I would like to trust our political leaders like yourself to be responsible and avoid this kind of tactic.

Also, as a Trustee you should recognize that a sustainable community requires income, environmental protection and social services. Losing one of those aspects collapses the entire community.

In the end, I feel I have been 'disenfranchised' by the requirement to return to Hornby to vote on issues critical to my property ownership that let things like this get out of control.

I view the resulting decisions as being taken by an elitist clique of Island residents with their own agenda and not for the good of the environment, the community or ourselves!

Randy Wunderlich, P.Eng

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www.fransenengineering.com

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From: Randy Wunderlich
Sent: Thursday, May 20, 2010 12:05 PM
To: 'Tony Law'
Cc: 'Jeanne Wunderlich'
Subject: RE: Please Accept My Comments on the proposed by-law for Short-Term Rentals (STR).

Thanks for your thoughtful answers to my questions.

Perhaps the difficulty comes from the prohibition on vacation rentals itself...

My main issue isn't with the intent to protect the environment, but the targeting of the vacation rentals rather than dealing with all the users of resources. (If the environment including water supply and waste treatment are worth protecting then we should all be doing it.)

PS At one point we considered having our cabin available for longer term rental but had a bad experience with the one renter we allowed.

Next we heard that regulations/bylaws were being developed that would have prevented us from moving back in during the summer period when our children were out of school. Hence we wouldn't consider putting it on the open market for winter rent.

Perhaps others found the same thing. Is that why the prohibition on vacation rental in the winter was put in the bylaw, ie to encourage long term winter rentals?

Randy

From: Tony Law [mailto:tlaw1@telus.net]
Sent: Thursday, May 20, 2010 11:28 AM
To: Randy Wunderlich
Cc: jeanwun@telus.net; rwunderlich@telus.net
Subject: Re: Please Accept My Comments on the proposed by-law for Short-Term Rentals (STR).

Hi Randy:

Thanks so much for taking the time to submit your comments regarding the draft bylaws regulations to permit vacation rentals. These will be carefully considered by the Local Trust Committee along with all other public input.

If you do not like what is contained in the drafts, it would be very helpful if you could suggest an alternative approach.

I am sorry that you are growing weary of our attempts to consult with the community on how best to permit this commercial activity on residential lots.

Below are some comments on your main points....

Over the years, it seems main themes we hear about are ;

Rules like this to apply enough punitive measures to the short term rental market to force the owners and service providers out of business. If there was indeed a motivation to be punitive and to force owners "out of business", the Islands Trust would be retaining the existing regulations that do not permit vacation rentals and

enforcing them! We are not doing this. Instead we are trying to find the appropriate way to permit this business. As you state, this is a "business" and I think you will find in most places, businesses are regulated to some extent to address impacts when they are conducted without appropriate responsibility.

an attempt to provide social housing to the local residents at homeowners expense rather than social services expense where it truly belongs The current process to find a way to permit the commercial rental of residential housing is not an attempt to "provide social housing". There are other initiatives happening to do this. For example, the public use area of Hornby has been zoned for "community housing" among other uses, there are attempts to secure a Crown land parcel within this zone for housing and a new non-profit organization has been formed to work on this. These efforts have been necessitated by the fact that over the last census period, the number of dwellings available for residential rental decreased by 40% to the point where only 18% of dwellings are available for rent, compared with 30% in the Province as a whole. Our efforts to create "social housing" as you call it are essential to retain a workforce - including to service the vacation rentals. Right now, there are 8 members of the work force camped in the gravel pit because they have no accommodation.

a notion of protecting the environment by regulating access to potable water by banning sale of water to homes who wish to limit their local impact. The commercial withdrawal and re-sale of water from residential lots is not currently a permitted use. The Islands Trust has just received a letter from a lawyer representing residents who are concerned about the impacts of such withdrawals demanding that we enforce this. What has been proposed is that the commercial withdrawal and sale of water be permitted through site-specific zoning or Temporary Commercial and Industrial Use Permits.

I note that you give a number of examples of how you are conducting your use in a responsible way and so I can understand why you would think that regulations are redundant. But without regulations, how do we address those situations that are not conducted responsibly and are causing real impacts on the environment or on neighbours? And we do hear about these on a regular basis - and are expected to do something about them!

Again, if you do not like what is in the drafts, please provide suggestions of alternatives that you think would be appropriate.

Thanks again!

Take care,

Tony Law

----- Original Message -----

From: Randy Wunderlich

To: northinfo@islandstrust.bc.ca ; tlaw1@telus.net ; fhunt@islandstrust.net

Cc: jeanwun@telus.net ; rwunderlich@telus.net

Sent: Wednesday, May 19, 2010 10:56 AM

Subject: Please Accept My Comments on the proposed by-law for Short-Term Rentals (STR).

We grow weary of hearing proposed regulations/bylaws which seem to target this particular aspect of Hornby Island life, ie the access of the visiting public to short term rentals and the utilization of private homes for part time rental income.

Over the years, It seems main themes we hear about are ;

Rules like this to apply enough punitive measures to the short term rental market to force the owners and service providers out of business.

an attempt to provide social housing to the local residents at homeowners expense rather than social services expense where it truly belongs

a notion of protecting the environment by regulating access to potable water by banning sale of water to homes who wish to limit their local impact.

If the real goal is to protect the water resources and environment, then let's make these rules apply to ALL homes in the sensitive areas or to NONE of them.

Of note: Our cabin (7340 Anderson Drive) is probably more environmentally friendly than many on the Island

We provide rainwater for use within the cabin for ourselves and our renters

We purchase truck loads of water to fill our underground cistern if they need more

We do not water flowers, trees or the lawns under any condition I can think of

We do not provide laundry facilities in the cabin, this must be done elsewhere

We have maintained a single dwelling on the site, and built our home to conform to the code requirements.

Our septic field was pumped out after a number of years of rental use and no issues were ever found.

We typically have the cabin occupied for less than 100 days in any given year.

Can all the privately occupied homes claim the same? Should they?

Over the years, we have worked hard to build and own our property on Anderson Drive. We raised our children on the Island in the summers, and are looking forward to bringing up our grandchildren the same way. In the Interim, we have to work off island until we can afford to retire. During that time, we support our property maintenance and taxes with short term rentals.

So why should we be penalized by regulations which target just this activity and not others that have the same impact such as group campsites, multi dwelling homes and those with large families, wells, laundry facilities and illegal rental units and in different locations on the island.

At times, we will and do have more than six people at our place. Much of the time, those are family members as I am sure many other homes have.

What makes one case worse than the others?

Why should only rental units inspect their septic fields not all units?

What makes winter rentals more environmentally or socially unacceptable? IE Why would rentals be limited to summer months only?

We pay a relatively huge tax rate for living on an island with;

Little or no road maintenance

No water system

A solid waste handling system that is more like a social experiment than a practical solution to our solid waste disposal issues

Little or ability to vote or comment on bylaws as we are off island most of the year working.

In order to pay these taxes, we need to have some form of income and presumably the income from our rentals allows all the other service providers to pay their own taxes.

We believe the temporary use permit system and the associated regulations are poorly conceived and should not be passed.

Randy Wunderlich, P.Eng

Manager, Strategic Services | Fransen Engineering

180 McCarter Street/ P.O. Box 886

Parksville, BC

Tel: (250) 586 0888 L 204 | Cel (250) 755 9725 | Fax: (250) 586 0889

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FRANSEN | *think long term*
engineering

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Version: 10.0.1204 / Virus Database: 1498/3521 - Release Date: 03/21/11

-----Original Message-----

From: Judi Stransman [<mailto:stransam@telus.net>]

Sent: March-22-11 2:00 AM

To: Fred Hunt

Cc: Louise Bell; Tony Law; northinfo

Subject: STVR's

Dear Local Trust Committee member,

I fully support Short Term Vacation Rentals on Hornby Island.

I have lived on Hornby Island since 1983, and have been a small-business owner, currently manage a small business, have worked for 3 other small businesses, and have sold items at the Farmers' Market. For the past 3 summers I have looked after my neighbours' house while he works elsewhere.

All Hornby Island merchants rely heavily on the much-needed tourist dollars. In fact, it is the weekly turn-over in guests to this island that is the main reason that a small business can possibly hope to succeed in such a short tourist season.

The increased ferry costs(x 2), have virtually eliminated the 1 day visitors to Hornby, who used to make up a considerable portion of our visitors ; not an longer!

Disallowing STVR's will cause real hardship on this island, and it will also eliminate the ability of many young families

to experience a beautiful place with a unique outlook and lifestyle . Stopping STVR'S will hasten Hornby's evolution toward becoming a Gated Retirement Community, with the ferries being the " gates " and the current homeowners and their friends being the only visitors. Such an Exclusive policy will discourage the very people we are hoping to attract on a year- round basis!

Permits and inspections are needlessly cumbersome and expensive for a 6- 8 week season. I can't understand the nature of the problem that you continue to insist requires fixing.

Why do you refuse to listen to your community on this issue?

Judi Stransman

----- Original Message -----

From: Tina/Wayne Wai

To: fmhunt@mars.ark.com

Cc: tlaw1@telus.net

Sent: Monday, March 21, 2011 5:59 PM

Subject: Island Trust issue

To Trustees, Fred Hunt, Tony Law and Louise Bell

Re: Hornby Island vacation rentals

We are writing as residents of Hornby for the past 34 years who have no vested interest in vacation rentals. We do not see the need for the Islands Trust to make any regulations in regard to summer rentals at this time. The need to preserve and protect the environment taken to the extreme would see Hornby become a nature reserve devoid of human interference. Balance is required. This community is also a part of the environment which needs to be preserved and protected.

Vacation rentals are necessary to the economic and cultural life of the island. We need the visitors; we need employment for young people in particular. Many people our age rely on providing tourist accommodation as a vital part of their income. We do not agree with the proposed restrictions on advertising and cleaning or with fees. Cleaning is often a major source of income for young women on the island. Advertising also creates employment income and is a public service.

Our concerns are water and noise. Aren't regulations already in place to deal adequately with these issues?

Is the enforcement officer, an Island Trust employee, in a conflict of interest when discussing regulations, which would generate the need for further enforcement? Should he be participating in this decision?

Is the Trust working in concert with the wishes of the majority of Island residents and landowners in making this decision or is the Trust attempting to standardize regulations among all the Islands?

Respectfully yours,

Tina and Wayne Wai

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Version: 10.0.1204 / Virus Database: 1498/3520 - Release Date: 03/21/11

From: Robert Gee [<mailto:islbob@telus.net>]
Sent: March-21-11 3:39 PM
To: Louise Bell; Louise Bell; Fred Hunt; Fred Hunt; Islands Trust Northern Office
Subject: Letter re STVRS and \march 23 Trust Meeting

Best Regards Bob Gee
islbob@telus.net

Valley 2-7 Hornby Island BC V0R 1Z0
250-335-2482 or Toll Free 1-877-808-2482 (North America)

Pdf Attachments read with Acrobat Reader 6.0 at <http://www.adobe.com/products/acrobat/readstep2.html>
Contact Bob Gee at: islbob@telus.net for another file format if PDF or MS WORD is not suitable

By way of letter to the Hornby Island Committee for March 23 2011 meeting. The motivation on STVRS is nothing but a reaction to Affordable Housing and security of year round tenure

The following is the beginning of a compendium of the irrationality and potentially agenda driven developments behind the Hornby Island Trusts onward going activities on Hornby Island as requested by the Ombudsman's office of the Province of BC. Material of previous and ongoing correspondence will be included in the forgoing report. The report will focus on density issues, lack of enforcement, the abuse of power and nepotism by the Trustees, as well as specific attention to the Trusts lack of adherence to its mandate and consultation with the community

The writer of this material is a 31-year Resident of Hornby Island with extensive prior experience in Corporate Governance both in Canada and Internationally. This prior experience initiated out of Degrees in Geology and Social Geography. While resident on Hornby academic accreditation in Statistics, Financial Planning, Accounting and Business Law provided background training for a 28 year career of real estate and property management exclusively on Hornby and Denman Islands – along with 15 concurrent years of Tourist related private business. Community involvement included positions on the executive committee of the Hornby Island Ratepayers (HIRRA) and a period as the Hornby Island Trustee (HIT) in the 1980s, with several sessions with the Advisory Planning Committee (APC) for the Hornby islands Trust

A current Trust development Inclusion in a Proposed OCP with following Bylaws

All properties on Hornby, which are over 3.5 hectares, are proposed to have a secondary suite.

It is wholesale scale invitation for density increase inside the existing "footprint", as if doubling the numbers does not increase demand on the carrying capacity of the land.

STVRS really a problem- Why? Trustee Law Email correspondence with a concerned citizen 110321

TL

Yes, a number of local governments have legalized secondary suites because of the role they play in meeting community needs for affordable housing. Such suites fall within the objectives for residential zoning which is to provide for the homelike of people. TL—

This is taken completely out of context by the Trustee in the issue of STVRS and reflects the Trusts ulterior motive on STVR-, which has been given to the community as neighborhood problems of noise and land use density. While saying STVRS are to be illegal because of the density issue the Trust is expanding the density on larger acreages. For "Affordable Housing"

One has to ask a number of questions herein

- a) "Affordable Housing" needs after the Trust has traded ALR lands with a land holder- to allow for a series of private 2.5 acre lots in a high profile area- intensifying density- in order to allow for a large piece to be held by a Land Trust- that is currently building a case to have the land stratified for private strata ownership- and increase the density of this latter development to that equivalent of most subdivisions in the Comox Valley
- b) Affordable housing of which, will be used by the 3.5 acre allowance---- for the owners use as a rental potentially a stvr
- c) Or a unit built in such a way as to be placed on such property to allow future subdivision and sale
- d) The Trust- having previously modified the zoning regulation large sections of crown land to allow for Co-Ops and Affordable Housing (Note Hornby a community of 1000 –critical mass elements of policy implementation)

The question then to be asked is Why is the Trust rezoning virtually everything for "Affordable Housing"- permanently increasing density and land use and impact while restricting STVRs because of land use and impact. It's clear the two are not connected in the same way. STVRs are being eliminated for some other reason – or the Trust contradicts itself, lacking reason and planning

TL

In recent years on Hornby, the use of dwellings to provide for vacation rentals has increased to the point where 12% of Hornby's housing stock is advertised for this purpose TL

- Trustee Law has no concept, authority nor proof to suggest that a 12% allocation of stock is STVR or has a significant impact on housing in this market. Indeed much of the STVR stock is - rented at off peak periods at significantly lower rates- then are in effect in other communities (Comox Courtney Detached Home \$900 to \$1200/mo, Hornby quality homes @ \$650/Month) .The Trust there in is attempting nothing but disseminated false information

TL

Landlords can make more money using a dwelling to provide commercial tourist accommodation for 6 weeks in the summer than they can from providing year-round residential accommodation to island residents

This statement is false. In fact in most scenarios – it is about equal amounts of money notwithstanding what the individual property's attributes are. Guidelines used in the industry on Hornby are that off peak rates are equivalent, all things equal - to weekly summer rates – assuming a 12 week rental period in summer) .Effectual periods for rental on Hornby are 6 weeks full occupancy - the Trust has no legal right or business making this judgment as its beyond the jurisdiction of their powers and obviously their information

TL

In the last census period we lost 40% of the Island's rental stock. TL

One has to question what the Trustee is actually saying here and what his understanding of the details of statistics may be. Firstly, this writer has not checked the statistical information again but as professional and actual experience will show

Is this number really from the census information? As Trustee Law has been known to eliminate caveats to information for his own points- this particular one implying that owners have switched to STVRs and eliminated availabilities

- a) It doesn't correspond or match the statistic used that 12% of Housing stock is used for STVRs
- b) There have been more houses occupied full time by their respective owners
- c) There is no caveat that local owners or absentee owners have had significant problems with care and maintenance of their asset by local year round renters in the past 10 to 15 years and thus have withdrawn their property completely from any rental market let alone the STVR market

TL

Only 18% of Hornby dwellings are available for residential tenancy compared with 30% in the province as a whole TL

This is a Trustee that has never understood that Hornby is not like any other statistically average place in British Columbia. Vancouver, Richmond, Prince George etc are Commercial Towns and Cities; Hornby is a rural residential area with resort overtones. The Trustees reasoning and applicability of facts is flawed

TL

Our school population has declined from 148 in the early 1990s to under 40 today. While aging demographics is a provincial trend, it is far more pronounced on Hornby where we have a huge hole in the age group we hope will do the heavy lifting - 25-45 year olds make up only 17% of the population here compared with 27% province TL

This is a Trustee that has never understood that Hornby is not like any other statistically average place in British Columbia. This response indicates the Trust is empowered to make Hornby and it's community the same as Vancouver, Richmond, Prince George etc are Commercial Towns and Cities; Hornby is a rural residential area with resort overtones and likely always will be. Implementing policy and regulation to fit "human activities elsewhere" will adversely affect the Trusts "principal" intent and purpose- that being the protection of the environment. . The Trustees reasoning and applicability of facts is flawed

-To be inserted - Study on Housing Afforability commission by the Islands Trust authored by T Law

Note credible and references of authority to material facts and conclusions at back of study --- (6 or 5 ? references -5 or 4 Authored by T Law)

TD

If we allow vacation rentals as a permitted use in all residential zone then what we are saying is that each and every lot on Hornby can be used as a virtual motel with no ability to manage the proportion of our residential housing pool is used for visitor accommodation rather than for its primary residential purpose. TD

This Trustee is using hyperbole, flawed slippery slope, fear mongering statements, as well as patronizes any person or group by refusal to respect and utilize true facts and the experience, professionalism and knowledge of others.

----- Original Message -----

From: stani veselinovic
To: Tony Law
Sent: Monday, March 21, 2011 2:46 PM
Subject: Re: Local Trust Committee meetings

Oh goodness.I didnt realize that short term rentals were such an issue.How silly.It seems obvious that we need them to survive here.Hopefully this will be straightened out quickly.The str's in my area are great.my only complaint is with the yahoo cottage owners who party loudly like fools for 10 days at a time! ..lol .Calling rentals a problem is funny in a way..It allows bad behavior from owners only..Sort of a caste system of sorts.At any rate,I really dont get too uptight even with the owner-partyers.They are gone soon enough.Lets be more welcoming .We love to brag about our tolerance and diversity..lets do it.Or is this about exclusion..ie..who specifically is allowed to make a living.Ugh.Hope not.That would be mobbish and tedious.

Gina -Rae

From: Tony Law <tlaw1@telus.net>
To: Undisclosed-Recipient@yahoo.com
Sent: Sat, March 19, 2011 10:44:14 AM
Subject: Local Trust Committee meetings

Hi Hornby Islanders:

This is to let you know about an upcoming meeting:
 Hornby Island Local Trust Committee
 Business Meeting
 Wednesday 23rd March
 New Horizons
 12:15

Please note that there will be a Town Hall session at approximately 1pm at which members of the public can speak to issues on the agenda.

The agenda package is available at
<http://www.islandstrust.bc.ca/ltrc/ho/pdf/hoagendamar232011pkg.pdf>

Please also note that the Local Trust Committee is planning Community Information Meetings on Short Term Vacation Rentals and the Official Community Plan as follows:

Saturday April 2nd (daytime) - New Horizons, Hornby Island
 Monday April 4th (evening) - Seniors Activity Centre, West Vancouver
 Wednesday April 6th (evening) - Windsor Pavilion, Oak Bay
 - details to follow.

Tony Law
 Hornby Island Local Trustee
 250-335-1155

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-----Original Message-----

From: Nola J Jackson [<mailto:nolajj@telus.net>]

Sent: March-20-11 10:32 PM

To: northinfo

Cc: Louise Bell; Fred Hunt; Tony Law

Subject: Short Term Vacation Rentals

Dear Trustees,

We have rented in the past and have now owned property on Hornby Island for about 18 years. On occasion we have rented our property. We have rented privately to friends and for a couple of years through Wind and Waves. In recent years it has been our choice not to rent. When we did rent with the assistance of a property management company, our experience was positive. We felt assured that our property was tended to if problems arose and most importantly that if the tenants created any problems for our neighbours that Wind and Waves would act accordingly.

Our point is that we had a CHOICE. We strongly feel that the current proposals will limit our choices in the future.

We think that it would be detrimental to the economy of Hornby Island to severely limit the rental accommodation available on the island. Our experience of predominately family orientated renters add to the economy. These visitors to the island typically are sure to visit their favourite artists, discover new ones, spend at the Co-op, support the Hornby Island Festival, eat out and visit the Farmers Market.

The proposed permit is simply too heavy and strong. We are in favour of considering other proposals that would help the whole community.

Yours truly,

Nola & Andrew Jackson
7370 Anderson Drive

From: christian weixelbaumer [<mailto:weix60@hotmail.com>]

Sent: March-20-11 4:55 PM

To: northinfo

Subject: summer rentals on hornby

It is my understanding that we elect our trustees to focus on land use and not to regulate people. Why would you pick on short term renters? How about the homes enjoyed by extended family members and friends . Are they the next to be regulated ? There are no complaints , so lets enjoy Hornby Island the way we love it . Very sincerely Karin Ristau

Brodie Porter

From: christian weixelbaumer [weix60@hotmail.com]
Sent: Sunday, March 20, 2011 4:34 PM
To: northinfo
Subject: short term rental on hornby

I much prefer short term rentals over hotels or motels. self regulation is a much better way organise this activity then government regulation . we need less and not more government. sincerely chris weixelbaumer.

From: Dianne Cox [mailto:dianne.cox@gmail.com]
Sent: March-19-11 4:53 PM
To: Tony Law; northinfo; fmhunt@mars.ark.com
Subject: re: March 23rd agenda

March 19th, 2011

Dear Trustees,

I am writing from afar to, I hope, add some perspective re: the broader issue of sustainable and resilient systems-based decision making in relation to the STVR agenda item for March 23 meeting. It is with this in mind that I ask if the following questions were considered before Mr. Hunt and Ms Bell's motion was proposed:

1. Is the STVR issue a provocative one?
2. Whose interest does it serve?
3. Is it grounded in examples that can be embraced and are comparable?
4. Is it what the community wants?
5. Will people defend it or get passionate about it?
6. Is the past acknowledged and represented?
7. Is it supported by facts that illustrate it as the brightest and best direction for a sustainable future on Hornby?
8. Does it address what is best about Hornby and build on that answer?
9. Was appreciative inquiry used on a broad scale in the community to result in this motion?
10. Does it address summer issues we do have with a segment of summer visitors who sleep in their vehicles and violate island ethics by using Hornby as a bathroom and a trash can?
11. Does it focus and thus reflect on all of the right things re: STR's?
12. Does it provide for an economically, biologically, psychologically, socially viable future for a healthy, diverse Hornby populace?

If you have engaged in this form of inquiry to come to this motion, then, you have the right motion. If not, see below.

Respectively submitted,

Dianne Cox

I suggest that the above type of questioning is appropriate and useful, in fact, vital, for all of us to engage in, (for some again and for others, newly). That March 23rd might provide an opportunity to work together, as one, to advise going back to the drawing board and have a community chat, as I see is proposed, so that all of this, viewed through the lens of sustainability and resiliency, is included to result in sound, fully researched, leadership-quality decisions.

As every action is related to the whole and deserves our full attention and intention to arrive at the best, fluid, workable, inclusive, intelligent solution.

Let us lighten up, pull up our shirtsleeves and operate in the unique historical spirit that represents Hornby. We are not putting a man on the moon here. We can do this and an association of responsible STVR community members committed to having this work for all, reflects a collaboration of a different kind, as our Depot is a Depot of a different kind. Community engagement is what we do best when we are called to it. Can we not take the very best of Hornby as displayed in our brilliant Spaceship to the Moon performance this year, and launch us into a future of sustainable growth and well being that we can share with others and make a difference, be an example, on the world stage, where so many are suffering, while get to live here in a harmony we are responsible for preserving?

If we are not employing 7th generation thinking in our decision making, we are missing the point.

Respectively submitted,

Dianne Cox

P.S.

My intention is to ground some of the ideas, reactions, misinterpretation, and genuine concerns that have emerged since Mr. Hunt's motion went on the table, February 18th, 2011.

It is clear that some people do not feel heard at some level and have used the tool of reacting strongly to get attention, with all the good intentions of doing what they see from their vantage point, as the right thing for the right reasons.

History has proven that an us/them mentality creates wars at its worst and unnecessary misunderstandings at its least. We have such a privileged opportunity here on Hornby to work in unison, while accommodating all sorts of different points of view in the process. It is our gift. We live in a country that allows for process. It is a privilege never to be abused, and, yet, in all the complexities of what it means to be human and live in

community, it, quite inadvertently, can and does happen OR might be perceived as happening. Nothing is linear when it comes to the different lenses we see through, on any issue.

Communication is a powerful tool, fraught with the potential to confuse, deflect, mislead, create negativity, while it can also be the light that guides us to be the best we can be. And then, of course, there is calling a spade a spade, which has its distinct and important, place. Emailing, though convenient and broad reaching, contains the aforementioned flaws. Respect might appear to fall through the cracks. And that is the most unfortunate interpretation as it has no place in the arena of resolution and solution.

--

Dianne M. Cox
Spray Point
250 335 0231

-----Original Message-----

From: Dale [<mailto:dale@hornbyisland.com>]

Sent: March-20-11 10:50 PM

To: Louise Bell

Subject: STVR's

To : Island Trustees 20 March, 2011

From: Dale Chase

Re; STVR

I truly feel the trust committee has made a mistake in their approach to STVR's.

I can't fathom how you will do a hundred or more in a timely fashion. I hear another island tried this and did 4 the first year. It strikes me that this is a bad faith decision and will be an attempt to eliminate them, and further impoverish a lot of residents. Is the "streamlined" TUP a real possibility?

How many actual complaints have there been in the last few years?

This is one of those situations where many are punished for the sins of the few. I've never liked that system. You need to find a better way.

The archetypal STVR horror story is too many, too loud, people in a subdivision STVR. Limiting number of people per rental would solve far and away most of the alleged problems, in a much simpler, fairer way.

TUP's will be an ongoing pain in the arse, even more for the trustees who will have to sit through many, many. This is a heavy burden to inflict on your successors, and your constituents.

Despite the fact that our Community plan supports STVR's, you have arbitrarily pronounced it illegal. Does that alone make it so?

To say that STVR's are not a home occupation seems a stretch beyond my reckoning. What could be a more home occupation than STVR's. Most "home occupations" happen in an adjoining workshop or studio

Finally who's this Louise Bell? Comes on our Island, with her preconceived notions about this. I didn't vote for her. She's not been on any ballot I've seen.

Dale Chase

lbell



JOHN AND DOREEN COOPER
PO BOX 2-8 SHINGLE SPIT
HORNBY ISLAND, B.C.
V0R 1Z0

March 20, 2011

To The Hornby Island Trust Committee

We agree wholeheartedly with the following sentiments:

"Vacations rentals have been operating successfully on the Island for at least the last 40 years. It is understood that housing visitors in private homes would satisfy the following goals:

- Keep the rural atmosphere of the island intact (prevent motels and hotels from proliferating)
- Maintain close community connections between families renting out their homes and the visitors coming (usually for many years).
- Spread the economic benefits to as many residents as possible rather than concentrating that benefit in the hands of a few.
- Give people an opportunity to raise funds to pay mortgages, put on a new roof, pay taxes, and in many cases simply survive in a community where economic opportunities are very scarce.

With increasing taxes, ferry rates and overall costs of living, people on Hornby have very few options to survive. Vacation rentals are part of the very much needed annual income for many residents. They also provide a very significant (probably the single most important) source of customers for all of our local businesses.

We agree that the option put forward by one of our long-standing trustees to "consider vacation rentals as a regulated legal accessory use" be allowed to go through a proper community wide review so that we can have some self-determination on this extremely critical issue."

We cannot believe that the Islands Trust is seriously considering enforcing a policy with respect to vacation rentals. In the same way that we cannot believe that a development on the Thatch property, involving a absurdly high density, multi-residential, time-share, condo development, would not have been rejected when it was first proposed.

Yours truly,

John and Doreen Cooper

Brodie Porter

From: Louise Bell [lbell@islandstrust.bc.ca]
Sent: Saturday, March 19, 2011 1:48 PM
To: Brodie Porter
Subject: FW: Motion H0-007-2011

FYI
 Louise

Louise Bell
 Local Trustee for Denman Island
 Vice-Chair of the Islands Trust Council
www.islandstrust.bc.ca

Preserving island communities, culture and environment

From: Margaret Sinclair [mailto:ms7@telus.net]
Sent: March-19-11 1:18 PM
To: Fred Hunt
Cc: Louise Bell; Tony Law
Subject: Re: Motion H0-007-2011

Thanks to both Fred and Tony who have answered my question very satisfactorily.
 Margaret Sinclair

On 2011-03-19, at 12:27 PM, Fred Hunt wrote:

Hi Margaret,

Thanks for writing to ask for clarification. In answer to "accepted policy or drafts that will be reviewed...", they are drafts to be reviewed.

Re HO -07 - 2011, the draft minutes need to be clarified. The intent was not to put policy in place but to give Miles Drew permission to draft an information sheet that would lay out the details of a policy re a bylaw enforcement approach. The information sheet would be part of the upcoming Community Information Meetings, proposed for Hornby on April 2; Vancouver April 4 and Victoria April 6. I'll ask for clarification of the minutes at the next LTC meeting, March 23.

As per HO-05, the proposed vacation rental policy is a draft for community review and discussion. Clearly hear there is not consensus on the proposal. Looking for lots of input at the CIMs.

Regards,
 Fred

From: Margaret Sinclair [ms7@telus.net]
Sent: Saturday, March 19, 2011 7:43 AM
To: northinfo
Cc: Tony Law; Fred Hunt; Louise Bell
Subject: Motion H0-007-2011

March 19, 2011

Dear Local Trust Committee,

I would appreciate clarification regarding Motion HO-007-2011 - which was made at the Trust Committee meeting of February 18, 2011. While at the meeting it was my understanding that this motion regarding STR's was made and carried with a vote in favour by Fred Hunt and Louise Bell and voted against by Tony Law. Draft bylaws were to be made and returned to the Local Trust for review.

The motion requests that:

"staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months, and bylaw enforcement policy is used to enforce the parameters and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted, and that staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive". The prepared DRAFT bylaws and policy would then be returned to the Local Trust Committee for review.

This does not suggest that such a policy has been voted on, accepted and will be put into practice.

Upon reading the minutes from the meeting, it is stated that enforcement will commence February 15, 2012. This is completely contrary to the aforementioned "review". I am confused about what actually happened here.

Could you please clarify: Accepted policy or drafts that will be reviewed by the Local Trust and the community?

Further I would like to suggest that this motion does not reflect the wishes or needs of the community as I understand them. Please bear in mind that it was voted against by one of our Trustees and does not indicate consensus on the issue. It also does not present a workable solution and will be impossible to enforce. I urge you to spend more time with the issue and allow a solution to come forward that is appropriate for this community.

I believe that the formation of a Rental Home Association that would establish and promote "Best Practices" is part of a proactive and workable solution that is right for Hornby Island. After all - we are not simply looking for more bylaws but rather an approach that actually addresses the issues that have arisen vis a vis short term rentals.

Sincerely,
Margaret Sinclair

From: Elena Feder [mailto:elenafeder@gmail.com]
Sent: March-19-11 2:24 PM
To: Louise Bell
Subject: Short term rentals bylaw Hornby Island. March 23rd, 2011 meeting

I will be unable to attend the March 23rd, 2011 meeting. I ask that the following submission go on record regarding the issue of STRs on Hornby Island.

I had been coming with my family as tourists to Hornby since 1981 before making the decision to buy in 2001. It was not an easy decision. The time was not quite right and the circumstances complicated. My children insisted. In the end, our love of the island was stronger and trumped all other considerations. The option of renting our home for a couple of months in the summer made it a real possibility. I would not have been able to do it any other way.

For years I had envisioned the option of moving to Hornby permanently. I cannot think of a better place to live and retire to. I loved the diversity of the land and the uniqueness of each and everyone of the residents. Those I had the privilege to get to know more closely over the years have made the option of spending ever longer stretches of time on the island even more attractive. Over the years, off-island a growing number of friends and family have come, and returned, as my guests. Next month, our newest family member, my granddaughter, will be introduced to its riches. None of this would have happened if this bylaw had been in place.

Renting for a short part of the year has given me the option of enjoying the beauty and tranquility of Hornby throughout the whole year. In all of the 10 years I have rented my house, either as a B&B for the first two or as guest house since, I have not had a single complaint. In fact, other than the occasional unavoidable incident that proves the rule, neither have the majority of owners.

I have yet to meet one resident or see a business that does not benefit from the short tourist season on Hornby, let alone that supports the draconian law on the table at the upcoming meeting. STRs benefit not only the vast majority of residents, but also the artists, artisans and the growing number local producers, all of whom keep the local economy vibrant and depend on STRs for their livelihood for the rest of the year. My visiting guests, family and renters are only a few of the eager consumers of everything Hornby has to offer. Tourists make this all possible.

The repercussions of this proposed bylaw can only be negative. It will have huge long term implications and will benefit no one but a handful of business people and developers, whose commitment to the community is all but non-existent.

Our elected trustees are supposed to represent the voice of the majority. After all these years and endless attempts to stop the Trust from curtailing and/or outright eliminating the option of STRs on private property—a move that would virtually kill the economy of the island, cut the lifeblood of the community and seriously impact the lives of the majority—I can't help but wonder what it will take for them to listen.

Thank you for your attention,

Elena Feder
3495 Harwood Rd [778-322-2416](tel:778-322-2416)

From: Michelle Easterly [mailto:mishae@uniserve.com]
Sent: March-19-11 7:15 PM
To: Louise Bell
Cc: Fred Hunt; Tony Law
Subject: STVR and Self- Regulation on Hornby Island

Dear Island Trust Representatives..

I appreciate your position to Preserve and Protect our Islands. Thank you. In doing so, not only the natural habitat and the waters are an essential part of this, but as you know the people who live here who steward this beautiful gem . We are also a part of being preserved and protected, so we can stay here and do our job. To do this we need the tourism industry in this way. The ferries have made it impossible to work off island so entrepreneurship is essential. Vacation rentals, farmers markets and artists survival..as well as many other home based businesses depend on it..as well as many organizations that these people help during the summer by supporting raffles and auctions etc..

Please note that I am in favor of the self-regulation of these rentals by a home based organization that is now forming on Hornby..and **do not support** the use of Temporary use Permits. I appreciate the need to have a watch on water and septic and density. Most of us do a very good job of this as we are protecting our homes, our land and the Island for future generations. We know only too well what we could lose if run over by to many people in rentals, cars, garbage etc..

So please give us a chance to do this ourselves. My feeling is governance by the people for the people needs to be reinvented again.. NOW.!

As for an approved use, I know we can find a way to get the OCP and the Land Use Bylaw to be in unity.. semantics should not kill something that is not broken..!!

Thank you for this consideration at the upcoming meeting this Wed.

Kind Regards, Michelle Easterly
Handmade Harmony Hornby Island

Brodie Porter

From: William Thomas [rwt@telus.net]
Sent: Saturday, March 19, 2011 7:30 PM
To: Louise Bell; Fred Hunt; Tony Law; northinfo; Misha; Karen Ross
Subject: STVR By-Law
Attachments: willthomas@willthomasonline.net.vcf
Importance: High

Dear Local Trust Committee and others concerned,
 March 19, 2011

As a Hornby artist, I have been an active member of this community for more than 10 years. Like so many others, my ability to remain here is contingent on a vibrant summer market. That market – like so much else on Hornby – *is entirely dependent on STVRs* to attract and serve our island's visitors.

I am dismayed to see the Islands Trust working so disingenuously to disenfranchise long-term Hornby residents and landowners, artists and artisans and all others dependent on tourism.

Despite our protests, the corporate machination of BC Ferries already threatens the long-term sustainability of Gulf Island communities.

Again, despite this community's widespread opposition, it appears that the Islands Trust is determined to impose even more Draconian economic discrimination and dislocation on a place where, for more than 40 years, *Short Term Vacation Rentals have successfully underpinned the economic viability of an island community having the lowest per capita income in BC.*

Among all the visitors and residents of Hornby Island, the only inhabitants not directly dependent on STVRs are the deer. And even they would find foraging difficult in the gated, elite enclaves provincial government policies – and now the Islands Trust – seem so intent on creating.

Why is the Trust complicit in this "Victoria knows best" policy when Victoria has repeatedly demonstrated that it has neither a clue nor an interest in maintaining an island way of life championed by so many premiers?

Why is our original Community Plan, which supported STVR as a legal use under "home occupation" suddenly invalid?

Why was Motion HO-007-2011 made and carried to put a disastrous Bylaw Enforcement Policy into effect here (with the same \$5,000-a-day penalties already being enforced on Pender Island) - *without a formal public referendum or other means of voting?*

If the Trust's mandate is truly to "preserve and protect" the Gulf Islands, surely this includes the Gulf Islands way of life. *Otherwise, what is the point?*

I oppose the imposition of Temporary Land Use permits on long-established rental operators who have for decades demonstrated their willingness and ability to conduct business vital to our island's interests without infringing on their neighbours.

I know many of them. They are responsible people. And they form the heart and backbone of the Hornby community. Driving them out of business and off the island would be a direct betrayal by the Trust and the

death-knell of an island already beset by the intersecting challenges of skyrocketing ferry fares, Peak Oil prices, and the increasingly violent and erratic farming weather linked to Climate Shift.

When it comes to applying community standards, *the community knows best*. I support a local homeowners association to monitor and enforce standards that serve this community, not some distant blind bureaucracy.

Thank you for your time and attention,

Respectfully,

William Thomas
250-33-2353

FROM:

FAX NO. : 2503351660

Mar. 22 2011 09:31AM P2

Mar 17/2011 -
Grassy Point Guest House
1992

Hi Fred

Regarding the big issue of STVR's and Harmsby and the coming meeting this I did I would like to ask that the whole matter of illegal rentals be put aside until the rental owners are able to come up with their own association in which we could come up with some simple standards which would be acceptable to all - This new association could be reviewed by the Islands Trust again in a couple of years from now.

We, the five owners at Grassy Point do not live here full time but because of our number we do use the house full time and ^{are of us} ~~are~~ always here to manage the six weeks of summer rentals and occasional off season B&B - I do not need an Islands Trust Investigation Officer as we have very high standards re cleanliness and water issues and our summer guests are mostly contract ~~guests~~ ^{repeat} and good friends of Grassy Point who consider

it a privilege to be able to rent here and
not to mention the amount of \$\$\$ they spend
while they are visiting the Co-Op, artists studios,
market days etc etc -

Thank you for listening & reading
my opinion

Joe

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 140

**A BYLAW TO AMEND THE HORNBY ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 104, 2002**

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Hornby Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Hornby Island Local Trust Committee wishes to amend the Hornby Island Official Community Plan Bylaw No. 104, 2002;

AND WHEREAS the Hornby Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 2, 2010."

2. SCHEDULES

Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended as shown on Schedule A, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	7th	day of	July	, 2010.
PUBLIC HEARING HELD this	24th	day of	August	, 2010.
READ A SECOND TIME this	25th	day of	August	, 2010.
READ A THIRD TIME this	25th	day of	August	, 2010.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	19th	day of	October	, 2010.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this	17th	day of	January	, 2011.
ADOPTED this		day of		, 2011.

SECRETARY

CHAIR

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 140**

SCHEDULE A

1. "Hornby Island Official Community Plan Bylaw No. 104, 2002" is amended by modifying **SECTION VI- OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT** as follows:
 - a. replacing 6.5.1 **Retail and Personal Service Background** with the following text:
 - i. "The three existing retail commercial designations on the Island (Co-op Corner, Shingle Spit and Ford Cove, as well as one limited commercial designation {Syzygy}) are shown on the land use map, Schedule B. The Co-operative store, which has a large community membership, is located centrally on the island near Tribune Bay. This is the busiest commercial area on the island and its services include groceries and hardware departments, post office, liquor outlet, gas bar and independent local merchants operating small-scale food and retail businesses. On-site parking is unable to meet the demand at busy times. Ford Cove dock provides the only sheltered moorage on Hornby Island and historically this area has developed to provide marine-related services. It is accessed from land by a steep and narrow heritage road and the location imposes constraints, including for parking. Ford Cove store provides grocery and other retail services 364 days a year. The Shingle Spit commercial area is located at the ferry terminal and provides a restaurant, pub, liquor store and visitor accommodation units.. A co-operative bakery operates at Syzygy on Central Road, with a number of associated small businesses including a popular pizza outlet."
 - b. Replacing the word "shall" with "may" in Policy 6.5.1.8 so that it reads:
 - i. "Residential units may be permitted as a use secondary to a commercial use."
 - c. deleting the words "Condominiums" and "attached or joined dwelling units" from policy 6.5.2.1 so that it reads:
 - i. "Accommodation for visitors shall be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels shall not be permitted."
 - d. deleting policy 6.5.2.8 and renumber all subsequent sections accordingly.

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 141

**A BYLAW TO AMEND THE HORNBY ISLAND LAND USE
BYLAW NO. 86, 1993**

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Hornby Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Hornby Island Local Trust Committee wishes to amend the Hornby Island Land Use Bylaw No. 86, 1993;

AND WHEREAS the Hornby Island Local Trust Committee has held a Public Hearing;

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

1. CITATION

This Bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010."

2. SCHEDULES

Hornby Island Land Use Bylaw No. 86, 1993 is amended as shown on Schedule A, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this	7th	day of	July	, 2010.
PUBLIC HEARING HELD this	24th	day of	August	, 2010.
READ A SECOND TIME this	25th	day of	August	, 2010.
READ A THIRD TIME this	15th	day of	December	, 2010.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this		day of		, 201X.
ADOPTED this		day of		, 201X.

SECRETARY

CHAIR

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141**

SCHEDULE A

1. Section 2 DEFINITIONS of the Hornby Island Land Use Bylaw No. 86, 1993 is amended by replacing the definition for “visitor accommodation unit” which currently reads:

“**visitor accommodation unit** means a lodge, resort, hotel, or motel room or any other room or set of rooms used to provide for a rental charge temporary overnight accommodation of not more than 4 consecutive weeks to transient guests;”

with the following text:

“**visitor accommodation unit** means commercial accommodation sited on a property zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four (4) consecutive weeks to traveling public whose permanent domicile or home life is elsewhere;”

2. Section 9.16 COMPREHENSIVE COMMERCIAL (C3) ZONE (Hornby Island Resort) of the Hornby Island Land Use Bylaw No. 86, 1993 is amended by replacing with the following text:

- a. “9.16 COMPREHENSIVE COMMERCIAL (C3) ZONE (Hornby Island Resort)

PERMITTED USES

- 9.16.1 The following uses are permitted, subject to the regulations set out in this Section and Part 3.0, and all other uses are prohibited:

- 9.16.1.1 Retail, including liquor sales;
- 9.16.1.2 Pub;
- 9.16.1.3 Restaurant;
- 9.16.1.4 Office;
- 9.16.1.5 Visitor Accommodation Units;
- 9.16.1.6 Residential use of a visitor accommodation unit, provided the visitor accommodation unit contains only one kitchen and is capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit; and
- 9.16.1.7 Accessory Uses.

PERMITTED BUILDINGS, STRUCTURES AND DENSITY

- 9.16.2 A maximum of fifteen visitor accommodation units are permitted on property described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913
- 9.16.3 Accessory buildings and structures including a maximum of one accessory dwelling unit attached to the building used for a pub or restaurant on property described as Lot B, Section 4-A, Hornby Island, Nanaimo District, Plan 24913.
- 9.16.4 Lot coverage must not exceed 40% of any lot.

SITING AND SIZE

- 9.16.5 The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
- 9.16.5.1 6.0 metres from a front lot line;
 - 9.16.5.2 6.0 metres from a rear lot line;
 - 9.16.5.3 15.0 metres from and 1.5 m above the natural boundary of the sea;
 - 9.16.5.4 3.0 metres from an interior side lot line; and
 - 9.16.5.5 6.0 metres from an exterior side lot line.

- 9.16.6 Despite 9.16.5.3 the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.
- 9.16.7 Where fill is used to achieve the elevation required in Section 9.16.5.3, no portion of the fill slope may be less than 15 m from the natural boundary of the sea.
- 9.16.8 The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 square metres (1000 square feet).
- 9.16.9 The maximum floor area of all buildings, other than those used for visitor accommodation units or accessory use, shall not exceed 279 square metres (3000 square feet).

MINIMUM LOT SIZE

- 9.16.10 No lot having an area less than 1 hectare may be created by subdivision.

PARKING AND SCREENING REGULATIONS

- 9.16.11 Motor vehicle parking spaces must be provided for all permitted uses in accordance with Part 5.0 of this bylaw.
- 9.16.12 Outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.”

STAFF REPORT

March 21, 2011

File No.: HO-OCP-2009.2

To: Hornby Island Local Trust Committee
For meeting of March 23, 2011

From: Brodie Porter
Island Planner
Northern Team

CC: Chris Jackson, Regional Planning Manager, Northern Team
Sonja Zupanec, Island Planner

Re: Short Term Vacation Rentals

THE PROPOSAL:

The Hornby Island Local Trust Committee at their February 18, 2011 resolved that staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months, and bylaw enforcement policy is used to enforce the parameters and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted, and that staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive.

The Local Trust Committee also requested that staff schedule a Community Information Meeting to present draft bylaws for community comment and discussion.

This report addresses those requests.

STAFF COMMENTS:

The Issue

Vacation home rentals or short term vacation rentals (STVRs) have been a feature of privately owned recreational¹ housing and residential housing for a long time on Hornby Island. Owners would often rent their dwellings for short periods of time as a means of covering costs of owning a second recreational home or as a means of supplementing income. In the past, prior to availability of the internet, rental would generally be by word

¹ Recreation housing refers to a dwelling that is not the principal residence of the owner and is generally used seasonally.

of mouth or by small scale advertising such as classified ads in a newspaper. More recently owners have had available to them through the internet a broader and more informative means of conveying the availability of their homes for STVR use. As a consequence there is now a broader spectrum of STVR activities occurring including the following:

- a. Traditional word of mouth arrangements to friends and relatives
- b. Owner advertising in internet venues that may be considered equivalent to the classified ad.
- c. Owner advertising of a more proactive nature – a separate webpage or use of third party web based advertising
- d. Contracted arrangements with third parties regarding all arrangements in renting the STVR
- e. STVR use as a business where there is no residential occupancy by the owner. This may be a corporate or personal ownership of a property and marketing is either handled by the owner or a third party.

Generally the owner continues to use the dwelling for personal use for some part of the year in options “a” thru “d” and option “e” represents a fulltime commercial utilization of the residence.

The issue is that without some level of management or regulation of STVR activity there is no ability to plan for community needs for residential, commercial, community service and other requirements. The purpose of this report is to advance proposals for community discussion that might allow for some management of the various land uses and insure that the principles and broad community objectives of the Hornby Island Community as expressed in the Hornby Island Official Community Plan are upheld while giving recognition to STVR use.

Legislation and Trust Policy

Local governments in British Columbia and local trust committees within the Islands Trust are responsible for development of planning policies through the adoption of official community plans and for the development of land use regulations through the adoption of zoning or land use regulations. These obligations are outlined in the *Local Government Act*.

Specifically an official community plan (OCP) must, amongst other requirements, address the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years; and the approximate location, amount and type of present and proposed commercial land uses.

Local trust committees, must by implication of such legislation, manage such residential and commercial land use and be able to determine how much residential or commercial

land use is available. The challenge with the STVR issue without local trust committee management is that there is uncertainty as to how much land will be used for STVR use, or the extent of STVR use on any one property versus how much land is available for residential purposes.

In addition as reported in a previous staff report dated February 9, 2011, a local trust committee must pursuant to s. 15(4) of the *Islands Trust Act*, insure that any bylaw that is advanced is not contrary or at variance with the trust policy statement. Four key policies were identified in that report which are restated here for reference:

- 4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
 - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - water quality is maintained, and
 - existing, anticipated and seasonal demands for water are considered and allowed for
- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

While the Trust Policy Statement is a statement of policy to carry out the object of the Islands Trust it does, in combination with *Local Government Act* requirements, provide the basis upon which residential, commercial and other land uses must be managed. This provincial legislation provides the basis upon which the Hornby Island Local trust Committee must address planning for residential and commercial land use requirements.

Short Term Vacation Rental Use as part of a Residential Land Use

A residence is a place where one actually lives or has one's home. This can be accomplished by ownership or rental for a sufficient period so as to establish the life or homeplace. In contrast a vacation rental is by nature a temporary occupancy of a shorter term where life or homeplace are not established in any permanent manner. A vacation rental use is therefore not a residential land use. When a dwelling is occupied for purposes of temporary vacation rental, the residential land use is discontinued on the property so as to allow the vacation rental. Provincial legislation requires that the Local Trust Committee develop some management of such land use allocation so as to insure that residential and commercial land use are managed and planned for within the community.

In order to address these provincially legislated obligations the Hornby Island Local Trust Committee has approached the concept of an STVR as part of a residential land use through the development of enforcement policy. The implication of such enforcement policy is not to authorize a vacation rental as part of a residential land use (as such authorization cannot be granted by such enforcement policy) but rather by the management of finite enforcement resources in a transparent manner that gives recognition as to when enforcement actions may be initiated regarding the use of a residence as a vacation rental.

The Local Trust Committee at the February 18, 2011 LTC meeting adopted the following enforcement policy as it relates to short term vacation rentals:

1. That given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement:
 1. They are advertised on the internet (except social networking sites such as Facebook), newspapers or other media;
 2. They are not managed by the property owner or long term renter;
 3. More than one dwelling on a lot is simultaneously made available for Short Term Vacation Rental by the same owner or resident;
 4. While the property is rented persons are permitted to stay in tents, trailers, recreation vehicles, or accessory buildings;
 5. There are issues related to health and safety;
 6. There is a written complaint by an owner or resident of nearby properties about bona fide, serious nuisance issues such as noise or parking congestion related to the Short Term Vacation Rental;

7. The operator of the Short Term Vacation Rental uses more than one property on Hornby Island as a Short Term Vacation Rental
2. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
3. This enforcement policy will come into affect on February 15, 2012 and until that time no enforcement against Short Term Vacation Rentals will take place except for reasons listed in Sections 1.5 and 1.6.

This enforcement policy provides a basis to distinguish between forms of land use that is in many locations characteristic of use associated with residential activity in comparison to a use that may be considered of a more commercial characteristic. The enforcement policy establishes some definition of boundaries of activities that some may perceive as reminiscent of historical traditions of short term rental to friends and relatives through word of mouth communications rather than a more overt advertisement and management that is more comparable to established commercial accommodations such as resorts and hotels. The enforcement policy does not authorize or sanction vacation rental use of a residential property, but the existence of the policy helps inform interested persons as to what might be considered as activity that would not be enforced upon. In order to consider short term vacation use that exhibits more commercial characteristics, land use policy must be used to define means that might enable such uses and provide the necessary protection to allow such use.

Short Term Vacation Rental (STVR) Use as a Permitted Land Use

Based upon representation from some property owners on Hornby Island, there is recognition that there is an established use of land for short term vacation rental use. While such use has never been authorized by zoning regulation, there is a stated desire that there be some means to allow such STVR use on the island. Key issues that have arisen in these representations and in recognition of the responsibilities of the Local Trust Committee as expressed by provincial legislation are:

1. STVR use is established in many locations and has a long tradition on Hornby Island.
2. STVR use contributes to the Island economy and society.
3. STVR use enables some residents to produce an income that enables them to live on Hornby Island.
4. STVR use enables visitors to experience the unique amenities and environment of the Islands Trust area in reflection of the object of the Islands Trust which states:

"The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

5. STVR use may exhibit similar characteristics to residential use, but the difference is that the occupiers of the STVR, because of their shorter term occupancy, offer a different social and cultural impact upon the island. Public services are used in a different manner (e.g. school services are not required) and there is limited ability of the occupiers to become involved in volunteer community activities.
6. The Local Trust Committee must regulate the allocation of residential and commercial land use in response to provincial requirements and on the basis of good planning principles. Uncertainty as to land use management can lead to scenarios that are not envisioned by the community. There is a potential in any community, through lack of regulation, that the values that attract visitors to an island start to diminish as the number of visitors start to increase. Examples of such overuse are found in many resort communities and other agencies (e.g. BC Parks, Parks Canada) are starting to manage park entry as a means to preserve the values that attract visitors in the first place.
7. A value of regulation is that it allows an STVR operator some certainty as to how they can operate their business so that business plans can be developed and investment in the enterprise can be initiated with some degree of certainty.
8. Neighbours have an opportunity to comment on an STVR proposal and have some influence on issues that may not be otherwise recognized in the establishment of an STVR.
9. STVR proponents would like a timely, responsive and inexpensive regulatory system, if one is to be established, to address consideration of approval of STVRs.

Given recognition that some regulatory certainty regarding STVRs must be established, there are two options available under legislation to allow their use – Temporary Use Permits and rezoning. The bulk of the remainder of this report focuses on a process to address STVRs through the use of Temporary Use Permits while the rezoning process is addressed in the discussion regarding proposed amendments to the Official Community Plan.

Temporary Use Permits (TUP)

A TUP is issued by resolution of a local trust committee to allow for a use not permitted by the zoning bylaw. TUP areas must be designated in the Official Community Plan (OCP) or the Land Use Bylaw (LUB) and the bylaw may specify general conditions regarding the issue of the TUP. Such conditions are optional and the conditions imposed upon the issue of the TUP need not be in accordance with those stated in the OCP or LUB. A notification process to neighbours is required in consideration of a TUP and the TUP can authorize the use permitted to the earlier of the time period specified in the TUP and three years from the date of issuance. A notice is registered on title to the land stating that the land is subject to a TUP.

A TUP may be renewed once upon application by the owner, and such application must be considered before the expiration of the original TUP. The TUP can be renewed for an additional three years and upon such renewal the Local Trust Committee can impose additional conditions.

A new TUP for the same use (or a different use) can be applied for after the original TUP and any renewal has expired and such TUP can be repeatedly reconsidered.

i. Application Fees

The LTC requested that this staff report address how a TUP application process can be less expensive. The current Fees Bylaw 132 specifies an application fee of \$1100 for a TUP, a reduced application fee of \$440 for a TUP for a non-profit and a home based business < 3 months per annum, and a TUP renewal fee of \$165. The term "home based business" is not defined in the Fees Bylaw or in the OCP or LUB and can be interpreted in a broad sense to include such proposals as an STVR use on a property zoned for residential use. There is consequently a reduced application fee in place. Some clarity of wording in the fees bylaw may be appropriate to consider though.

Provincial legislation requires that application fees be set in response to the average cost of processing such an application.

It is anticipated that a new TUP application for an STVR use on a property where such an application has not been previously submitted may involve some higher costs due to the initial community consultation process and administrative costs of preparing a new permit. It is suggested that subsequent application costs will be lower as the neighbourhood and community issues are addressed or resolved in the TUP. In order to provide improved clarity of interpretation of such a provision the Local Trust Committee could consider an amendment to Fees Bylaw 132 that provides an application fee of \$440 for a non-profit and for Short term Vacation Rental Use < 3 months per annum or for Short Term Vacation Rental Use > 3 months if applications are submitted in October of each year for consideration by the Local Trust Committee. There are expected economies of scale associated with addressing a group of similar applications at the same time that are expected to equate to the average cost specified in the current fees bylaw for STVRs that are operating for less than 3 months per year. The lower fee would also represent an average cost if subsequent applications were submitted for the same property. A draft Fees bylaw amendment is attached to illustrate the proposed amendments.

If an applicant proposed an STVR for use for more than 3 months per year and did not apply in October of any year, then the full application fee of \$1100 would be charged as there are no economies of scale associated with processing the application.

ii. Application Process

The process for consideration of a TUP application includes receipt of an application from the owner of a property; the preparation of a draft TUP and staff report by planning staff; and the notification of owners and tenants of that part of

the area of the land that is subject of the application and to any owners and tenants within 100 metres of that part of the land that is subject to the application. by mail or otherwise delivered at least 10 days before adoption of a resolution to issue the TUP. The LTC will then meet and resolve whether to issue the TUP. The LTC can consider representations that it chooses to receive in relation to the application, whether in writing or by verbal presentation at an LTC meeting.

There are three proposed options available for application for a TUP:

1. Application for a TUP for an STVR where the STVR use will be for a period of less than three months per annum. This application may be submitted at any time and will be processed as resources allow in a manner similar to existing TUP applications.
2. Application for a TUP for an STVR without restriction on time frame of use per year, unless the applicant chooses to propose a restricted timeline, provided the application is submitted during the month of October of any year. In this situation the LTC would be asked to focus sufficient staff resources to process such TUP applications in a timely manner so as to insure that a decision regarding the TUP is available to the applicant by January 31 of the following year. The LTC may wish to consider incorporating added LTC meetings, if necessary, to accommodate consideration of such applications.
It is important to note that an LTC cannot fetter a future LTC to accommodate the allocation of such staff or meeting resources. Note that the adopted enforcement policy allows until February 15 2012 for these procedures to be refined. Secondly Islands Trust Enforcement Policy generally does not allocate enforcement resources if an applicant is actively involved in an application process to resolve a situation. Receipt of a TUP application may defer enforcement activity even if the LTC does not resolve consideration of the application by January 31 of any year following receipt of a TUP application.
3. Application for a TUP for an STVR for more than three months that is not submitted in October of any year. This application would be subject to payment of a full fee of \$1100 as there are no economies of scale achieved in the consideration of such applications. The application would be considered as available resources allow.

iii Documentation to Facilitate Application Process

Some added steps to facilitate timely consideration of a Temporary Use Permit for STVR use can include the following:

1. Definition of information requirements in TUP Application specific to a TUP proposal.

There is an established TUP application form and guide that is found on the Islands Trust website that asks an applicant to provide a variety of information in support of their application. Depending upon the type of guidelines that the LTC finally adopts, an additional application schedule could be developed that outlines specific information that would be useful to the consideration of STVRs. Examples of additional information that could be requested includes:

- Requests for a water supply plan and water conservation measures that would be proposed together with well assessments that illustrate that ongoing water supply can be achieved;
 - Request a professional assessment of the septic tank to show that it is working properly and is capable of supporting the proposed occupancy.
 - Request a professional assessment that the building and plumbing fixtures comply with BC Building Code requirements
 - A copy of all information that will be provided to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;
 - Scaled plans of the property showing a) location of the dwelling unit and accessory buildings and structures with setback distances from property lines; and b) the location of parking spaces provided for the vacation rental use;
 - Name and address and telephone/email information of contact persons who will be available 24 hours per day to respond to any concerns;
 - Proposed maximum number of occupants;
 - Proposed time periods that dwelling will be available for rental or months of the year when the rental will occur.
2. A template TUP that may be used for purposes of allowing an STVR.
3. Notice templates for use in notification of neighbouring property owners and tenants.

OCP Amendments

The proposal is to introduce additional amendments to the draft Official Community Plan to enable consideration of rezoning and temporary use permits for short term vacation rentals. The following is an inventory of the proposed changes to the earlier draft OCP:

Changes are noted in a track changes format that is identified in red on electronic versions of this report and is underlined and marked with a vertical line on the left margin on printed copies.

1. Addition of Background in s. 1.6 as follows:

1.6 Socio-economics of Hornby Island

A permanent population of 1075 persons in 2006 represents an 11.2% population increase or double the provincial increase since 2001. The population is generally aging with increases in numbers of persons age 45 and older and a drop in persons aged 44 and younger. Seventy-eight per cent (78%) of the family units are persons without children at home representing the higher concentration of older couples who choose to retire on Hornby Island. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has also been a history of homeowners renting their homes to others for short periods of time (referred to as short term vacation rentals or STVRs) as a means of creating an income or to offset some home ownership costs. In recent times with the internet and other broad based communications, there has been a potential for increased numbers of STVRs. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

A recently published (March, 2010) Hornby Island Community Profile provides more detailed information.

2. Policy 6.5.2.7 under “Visitor Accommodations and Tourism

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

- a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or short term (less than one month) vacation rentals on non-Agricultural Land Reserve land where allowed by using site specific zoning or through temporary use permit.
- b) Agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use; and
- c) Visitor accommodation authorized by a temporary use permits, in accordance with guidelines of the permit, to allow for a period of assessment of a new use involving minimal new infrastructure (such as a small-scale campground).

3. Section 6.5.3 “Vacation Home Rental” is amended as noted below:

6.5.3 Vacation Home Rental

Background

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

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

At first, homes were generally rented to friends, acquaintances and relatives through “word of mouth” contact. This direct contact established a relationship between owner and visitor that provided connectivity to, and respect for, the property, the neighbourhood, the community and the environment.

The availability of Internet advertising and the establishment of property management companies corresponded with an increase in the number of homes available for vacation rental and a transformation of many rental situations into a more commercial practice that does not always involve such a direct relationship between the property owner and those renting the property or with the neighbourhood or community.

This change over time in the number and type of vacation rentals has lead to concerns regarding the individual and cumulative impacts of an unregulated commercial land use happening in areas zoned for residential use. Some dwellings are advertised for year-round availability as visitor accommodation - some by the night. Some involve levels of potential occupancy much higher than normal household size. This can erode the residential character of neighbourhoods and put pressure on water resources in areas with documented problems.

The previous Plan attempted to address this issue by including a policy suggesting that a vacation rental could be permitted and regulated as a home occupation. However, a home occupation implies that an owner or resident is living in a home on the property while conducting the occupation. Therefore such a policy can only be applied to the limited number of properties that contain two permitted dwellings with the owner occupying one as their home while operating the other as a rental.

For several years prior to the adoption of this Plan, the Local Trust Committee considered potential options for addressing vacation home rentals. The option of permitting vacation rentals on all lots through zoning regulations precludes the ability to address potential impacts of concern and it removes future choices by the community to limit the number of residential properties used for commercial visitor accommodation. The option of addressing all existing and future vacation rentals through issuing Temporary Use Permits or rezoning properties was initially viewed as bureaucratic and not appropriate especially for those vacation rentals carried out on a modest scale.

The challenge is that provincial legislation and good planning practice requires that an official community plan address residential development requirements, as well as commercial requirements to meet future needs. Consequently a bylaw cannot allow use of residential lands for non residential purposes, such as vacation rental use unless there is sufficient residential land exclusively devoted for residential use to meet community needs. Furthermore the Trust Policy Statement, supported again by good planning practice, requires that Local Trust Committees address a variety of factors that relate to social impact, community character and needs for community services. Development of land use policy and regulation that can address the values that vacation home rentals can offer Hornby Island while addressing other community values and Trust Policy requirements then becomes significant in the future planning of Hornby Island.

In an effort to address vacation rentals recent efforts have included the adoption of an enforcement policy, not to authorize a vacation rental as part of a residential land use (as such authorization cannot be granted by the definition of such uses) but rather by the management of finite enforcement resources in a transparent manner that gives recognition as to when enforcement actions may be initiated regarding the use of a residence as a vacation rental. This enforcement policy would not prevent a vacation rental from occurring on a property provided the use did not exceed thresholds defined in the policy. If such thresholds were exceeded an applicant would have to cease the use or seek approval by approval of a temporary use permit or by rezoning.

Area:

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

Objectives:

The objectives of this subsection are:

- 1) to recognize that there has been a long history of short term vacation home rental on Hornby Island without authorization by land use bylaw;
- 2) to ensure that the residential use of property and its residential character is retained where it is the permitted and established use;
- 3) to enable some traditional practice of vacation home rentals;
- 4) to address potential impacts of vacation home rentals if such uses are authorized; and

- 5) to support future evaluation of vacation home rental policies, recognizing that such uses are a significant and challenging issue for the Hornby Island community.

Policies:

- 6.5.3.1 Provision of paid accommodation for visitors to Hornby Island through the short term rental of residences is supported provided that some management of the community and neighbourhood residential needs and other land use needs of Hornby Island can be addressed. Issues to consider in permitting vacation rentals includes minimizing nuisance impacts such as noise and parking congestion on the local neighbourhood; the retention of the residential character of that neighbourhood; health and safety issues and the application of a principle of welcome without commercial promotion..
- 6.5.3.2 Provision of a residence for short term vacation rental beyond thresholds of residential land use, such as when commercial approaches are used in the promotion and management of such use, may be permitted through a temporary use permit or rezoning. Examples of additional issues to consider in such processes are water supply and sewage treatment capability; traffic management and environmental management as well as the benefits that such accommodation may provide to the community at large
- 6.5.3.3 The rental of a residence for a term of one month or more should be considered a residential use of land while a rental of less than one month is a short term vacation home rental or vacation rental.
- 6.5.3.4 The use of a residence for a vacation home rental may be considered a residential use of a property where there is a second dwelling on the property occupied by the resident of the lot, in which case such a rental may be permitted as a home occupation.

4. Policy 6.5.4.2 pertaining to the Ford's Cove area is amended to read as follows:

" An increased density of residential development or rezoning or temporary use permit to allow for a guest house or short term vacation rental may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application."

5. Section 6.10 Temporary Use Permits is amended to read as follows:

6.10 Temporary Use Permits

Background:

Section 921 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

Objectives:

The objectives of this subsection are:

- (1) to consider allowing a temporary event as per policy 6.5.1.11;
- (2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per policy 6.5.1.11;
- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.11;
- (4) to consider allowing transport of ground water off a lot where the water is extracted as per policy 5.1.4;
- (5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.17 and 6.3.5.18;
- (6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per policy 6.3.5.13 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;
- (7) to consider allowing temporary non agricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per policy 6.4.2.5; and
- (8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per policy 6.5.5.9.
- (9) to consider allowing short term vacation rental uses on properties zoned for residential use as per policy 6.5.3.2.

Guidelines:

- 6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:
- a) properties less than one quarter of a hectare (0.63 acre) other than for applications for short term vacation rentals;
 - b) land designated as PR1 and PR2 (park) and LR/WSPA (Large Lot Residential/ Water Supply Protection Area), as shown on Schedule B; and

- c) land identified as an ecologically sensitive area, as shown on Sensitive Ecosystem Mapping or Schedule D2.
- 6.10.2 Temporary Use Permits for parcels within the Agricultural Land Reserve may only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.
- 6.10.3 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as highly developed and if the proposed use involves more than minimal potential impacts upon the groundwater resource.
- 6.10.4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- 6.10.5 The general conditions for issuing a Temporary Use Permit are as follows:
 - a) adequate off-road parking should be provided;
 - b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) commercial uses (other than very short term or short term vacation rentals) should be screened from adjacent residential uses;
 - d) industrial uses should be screened from adjacent properties and roads;
 - e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;
 - f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;
 - g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;
 - h) water supply should be addressed so as to not create negative impacts upon existing common water sources;
 - i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;
 - j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and
 - k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

- 6.10.6 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.
- 6.10.7 Light Industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.
- 6.10.8 The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.
- 6.10.9 In consideration of applications for short term vacation rentals the following should also be considered:
- a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for short term vacation rentals;
 - b) mitigating measures such as screening or fencing to address potential impacts or to address neighbour privacy issues;
 - c) requirements for the owner to provide neighbours within a distance specified in the permit with the manager's or owners contact information and a copy of the temporary use permit;
 - d) the permit should require that the owner or manager be accessible 24 hours/day, 7 days per week by telephone;
 - e) the permit should require that the owner or manager posts for guests information about the location of property lines by way of a map, any applicable noise bylaws and measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;
 - f) restrictions on the number or people that can stay to a maximum of two guests per bedroom;
 - g) limitations on any signage that may be placed on the property;
 - h) prohibition of any use of recreational vehicles or camping on the property or any use of accessory buildings for vacation rental occupancy;
 - i) requirements that confirmation be provided from a qualified person that the building meets BC Building Code requirements;
 - j) the permit may request that the owner or manager post information for guests about awareness and sensitivity of the history of the K'omoks First Nation on Hornby Island; and
 - j) other requirements that the Local Trust Committee may consider appropriate.

RECOMMENDATIONS:

That the Hornby Island Local Trust Committee advances the information outlined in the staff report dated March 21, 2011 related to the fees bylaw amendment and processes and proposed amendments to the draft Hornby Island Official Community Plan labeled "Draft for Comment April 2011" as it relates to policies and temporary use permit guidelines to community information meetings for the public review and discussion

Prepared and Submitted by:

Brodie Porter

March 21, 2011

Brodie Porter

Date

Attachments: Draft Fees Bylaw Amendment

DRAFT

Hornby Island Local Trust Committee

BYLAW NO. XXX

A BYLAW TO AMEND THE HORNBY ISLAND LOCAL TRUST COMMITTEE FEES BYLAW

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

1. Bylaw No 132, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007” is amended as shown on Schedule 1.
2. This bylaw may be cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2011”

READ A FIRST TIME THIS	DAY OF	20 xx
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READ A SECOND TIME THIS	DAY OF	20 xx
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READ A THIRD TIME THIS	DAY OF	20 xx
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APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20 xx
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ADOPTED THIS	DAY OF	20 XX
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SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. XXX

Schedule 1

1. The Hornby Island Fees Bylaw No. 132 cited as the "Hornby Island Local Trust Committee Fees Bylaw, 2007 " is amended by:
 - a. Amending TABLE 2, Column 1, Number 9 by deleting "Temporary Use Permit, non-profit & home based business<3 months per annum" and replacing it with "Temporary Use Permit for a non-profit, for a short term vacation rental use of less than 3 months per annum and for a short term vacation rental use of more than 3 months per annum when the application is submitted in October of any year."



STAFF REPORT

March 21, 2011

File No.: HO-OCP-2009.1

To: Hornby Island Local Trust Committee
For meeting of March 23, 2011

From: Brodie Porter
Island Planner
Northern Team

CC: Chris Jackson, Regional Planning Manager
Sonja Zupanec, Island Planner

Re: Hornby Island OCP Review

THE PROPOSAL:

The Hornby Island OCP Review was last considered by the Local Trust Committee at its meeting of February 18, 2011. At that meeting the Local Trust Committee provided a few comments which are addressed in this report and requested that the staff recommendations raised in the staff report dated February 9, 2011 be incorporated into the draft OCP. The Local Trust Committee then resolved that further work on the OCP and Land Use Bylaw be deferred pending resolution of the Short Term Vacation Rental (STVR) issue. This report is tabled following discussion of the STVR issue so that the STVR issue can be addressed as part of the development of the update to the OCP, rather than as an amendment to the existing OCP.

STAFF COMMENTS:

Attached is a draft of the Hornby Island OCP dated April, 2011 for discussion. The attached draft includes all of the recommendations tabled at the February 18, 2011 LTC meeting and also includes the following changes in reflection of LTC discussions at the Feb 18, 2011 meeting:

1. Section 3.4 – Groundwater Protection – Sustainable Ecosystem Management Area (Mount Geoffrey Area) - 7th paragraph of “Background” text amended to denote a beaver dam was created in the Strachan Valley without specifying on which property the dam was located.
2. Section 6.1 – Objectives and Policies for Development – All references to density transfer were removed as density transfer was not seen as a practical option on Hornby Island.

3. All amendments as recommended in the staff report dated March 21, 2011 that relate to the separate discussion regarding Short Term Vacation Rentals. Any direction that is provided arising from the discussion of Short Term Vacation Rentals will be incorporated into the draft OCP.

The LTC had asked staff to consider removing the reference to “residential” in section 6.5.4 titled “Commercial/Residential General”. This section applies to the Fords Cove area which is an area zoned commercial and where objectives are supporting a transition of zoning to residential or residential and commercial in consultation with the area property owners. Staff suggests the reference to “residential” be retained pending further discussion on this section of the OCP.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee advances the draft Hornby Island Official Community Plan labeled “Draft for Comment April 2011” to community information meetings for the public review and discussion.

Prepared and Submitted by:

Brodie Porter

March 21, 2011

Brodie Porter

Date



Our Provincial Mandate

“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”

– Islands Trust Act



Islands Trust Council - Strategic Plan 2008-2011

Adopted: September, 2009 – Updated: Sept. 21, 2010

The Trust Area

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres.

The beauty, tranquility, and unique natural environment of the islands in the Strait of Georgia and Howe Sound have given the area national recognition.

The islands support strong communities characterized by a mix of lifestyles, livelihoods and individuals. Island residents bring unique skills, viewpoints and sense of place together to sustain a tradition of community involvement.

Our Council

The Islands Trust Council is made up of the 26 locally-elected officials of the Trust Area who are responsible for land use decisions in their island communities. Our Council has a unique mandate from the province to protect the unique environment and amenities of the islands. It meets quarterly to make decisions about overall policy, staff resources and budget. Our current Council was elected for a 3-year term during BC Local General Elections in November 2008. The current term will end in December 2011.

A Strategic Plan for our 2008-2011 term

Since December 2008, we have worked hard to identify the most important goals for the current term. By identifying these goals and developing a strategic plan to achieve them, we can focus finite resources and measure progress. Through adoption of a Strategic Plan, we have confirmed the following focus areas for our 2008-2011 term:

Goal 1 Ecosystem Preservation and Protection

We can create a legacy for the future by preserving and protecting the most significant parts of our natural environment:

- We will identify and protect our most significant riparian areas.
- We will improve the identification and protection of island biodiversity, as well as our most sensitive environments, and significant natural areas.
- We will work to reduce greenhouse gas emissions, both by managing our internal operations and by fostering energy-efficient communities in our land use decisions.

Goal 2 Stewardship of Island Resources

We will work to steward island resources, and to ensure that the scale, rate and type of development is compatible with the maintenance of island ecosystems.

- o We will use land use planning tools to address the sustainability and quality of freshwater resources.
- o We will support initiatives to achieve reliable, adequate and sustainable funding for the Trust Fund Board, our conservation land trust.
- o We will take steps to advance good management of coastal areas, by encouraging landowner stewardship and by considering new planning tools.

Goal 3: Sustain Island Character and Healthy Communities

We recognize that the health of our communities is improved if our islands are safe and secure, if there is strong public involvement in decision-making, and if we accommodate people of differing age groups and income levels.

- o We will work to support and restore socio-economic diversity with strategies for affordable, accessible and appropriate community housing.
- o We will work to understand and minimize the negative effects that climate change could have on island communities.
- o We will cultivate community engagement and participation in land use planning.

Goal 4 Organizational Effectiveness

Our island communities need effective and efficient government services:

- We will continue our work to provide services on an increasingly cost-effective basis.
- We will encourage recognition and support of the Islands Trust object by our communities and by other agencies and levels of government.

(Italics indicate significant changes since last Trust Council meeting; shaded text represents actions in past and future years)

*** See last page for key to abbreviations used in this document**

Goal 1: Ecosystem Preservation and Protection...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To identify and protect riparian areas	Implement Riparian Area Regulations throughout the Trust Area	FY 2010/11 & 2010/11 Develop bylaws re RAR requirements, subject to RAR mapping completion	LTCs/BIM*	Funded by 09/10 program budget	By whether all islands are RAR compliant through bylaw development	Italics indicate status changes since last TC meeting Two islands are RAR compliant RAR stream mapping complete for all southern islands Application processing procedures compliant with RAR for all islands
To improve the identification and protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms	Protect sensitive and significant land through land use planning decisions	2008-2011 term Optimize opportunities to protect land	LTCs/BIM*	Funded by base budget	By the hectares of land that have been protected	Awaiting opportunity. (Denman bylaws adopted). Relevant OCP policies in development on several islands
To reduce greenhouse gas emissions	Amend OCPs to include emission reduction targets, policies and actions (TPAs)	Jan to May 2010 Establish targets, policies, and actions in OCPs by legislated deadline (May 31/10)	LTCs/BIM*	Funded by 09/10 and 10/11 program budgets. Additional funding may be available through grants	By whether all OCPs have been amended to include GHG emission reduction targets, policies and actions by May 31/10	Targets, policies and action included in seventeen OCPs submitted for ministerial approval. Two OCPs are delayed.
	Foster energy-efficient communities through land use planning decisions	FY 2010/11 Consider the inclusion of the information provided by the LPC into appropriate bylaws and processes	LTCs/BIM*	Funded by 10/11 program budget	By whether GHG emission reduction is achieved in LTC land use decisions	OCP/LUB reviews underway for several islands All future OCP reviews must address GHG emissions reduction

Goal 2: Stewardship of Island Resources...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To increase the sustainability and quality of freshwater resources	Include new policies and regulations as OCPs and LUBs are amended	FY 2009/10 OCP/LUB reviews underway on selected islands	LTCs	Funded by 09/10 program budget	By the number of LTCs/IM with new policies and regulations for protection of freshwater resources	Reviews continuing in 10/11
		FY 2010/11 & 2011/12 OCP/LUB reviews underway on selected islands	LTCs	Funded by 10/11 program budget		Reviews underway or planned to begin in 10/11
To advance the stewardship of coastal areas and marine shore lands	Develop and implement new land use planning tools for shoreline and marine protection	FY 2009/10 and 2010/11 Thetis Island LTC – consider the use of integrated shoreline & watershed protection into OCP review process	LTC	Funded by 09/10 & 10/11 program budget	By whether OCP has been amended to include new forms of protection	Background shoreline research almost complete OCP review underway
		FY 2010/11 Initiate Green Shores for Homes project: Extend integrated shoreline & watershed protection approach to Islands Trust Area	EC LTC/BIM*	Funded by base budget	By whether recommendations have been provided to TC.	RFD with recommendations to Trust Council in Sept 2010

* Depends upon decisions of the Bowen Island Municipal Council

** Depends upon decisions of the Trust Fund Board

Goal 3: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To support socio-economic diversity of island communities	Support/restore socio-economic diversity through land use planning strategies about affordable/accessibile/appropriate housing	FY 2010/11 Consider implementing land use planning decisions to advance affordable housing	LTCs	Funded by 10/11 programs budget	By the number of LTCs have implemented land use planning decisions regarding affordable housing.	Task Force will continue in 10/11 to provide assistance to LTCs regarding implementation
	Support local food security	FY 2010/2011 Support completion of a second area farm plan (Denman)	LTC	Funded by 10/11 programs budget	By whether a second area farm plan is started	Started. <i>Matching funding received</i>
		FY 2011/2012 Complete a second area farm plan (Denman)	LTC	Subject to funding (11/12 budget)	By whether a second area farm plan has been completed	Not started
	Include new policies and regulations about food security in OCPs and LUBs as they are reviewed	FY 2009/10 & 2010/11 Reviews underway on selected islands	LTC	Funded by 09/10 programs budget	By the number of LTCs/IMs with new policies and regulations related to food security	Food security toolkit in preparation OCP/LUB reviews started
To minimize the impact of climate change upon islands and communities	Integrate climate change adaptation into land use planning and regulatory decisions	FY 2012/2013 Continue implementation of adaptation planning framework	LTCs/BIM*	Subject to funding	TBD	Not started
To cultivate community engagement and participation in land use planning	Develop new tools and strategies to encourage community engagement in land use planning processes	FY 2010/11 Consider new tools and strategies to encourage community engagement in land use planning processes	LTCs	<i>Funded by base budget</i>	TBD	Developing public portal for IT mapping data Affordable housing webpage planned Food security toolkit under development

Goal 4: Organizational Effectiveness...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To provide services on an increasingly effective basis	Develop cost effective bylaw enforcement tools	FY 2009/10 & 2010/11 Consider bylaw amendments to allow Bylaw Dispute Adjudication System	LTCs	Funded by base budget	By the number of islands where a Bylaw Dispute Adjudication System is in place	Bylaw drafting in progress
	Review of development application fee levels and cost recovery mechanisms	Adoption of amended fees bylaws	LTCs	Subject to budget (11/12 budget)	By whether all LTCs have adopted amended fees bylaws	Not started

FN – First Nations
 FY – Fiscal Year
 GHG – Green House Gases
 ID -- Identification
 IM – Island Municipality
 IT – Islands Trust
 LPC – Local Planning Committee
 LPS – Local Planning Services
 LTA – Local Trust Area
 LTC – Local Trust Committee
 LUB – Land Use Bylaw
 MCRD – Ministry of Community & Rural Development
 MGMT – Management Team
 NA – Not Applicable
 NAPTEP – Natural Area Protection Tax Exemption Program
 OCP – Official Community Plan
 PSSC – Policy Statement Sub Committee

PMFL – Private Managed Forest Land
 RAR – Riparian Area Regulations
 RCP – Regional Conservation Plan
 RD – Regional District
 RFD – Request for Decision document
 RM – Records Management
 SEM – Sensitive Ecosystem Mapping
 SSI – Salt Spring Island
 TAS – Trust Area Services
 TEM – Terrestrial Elevation Mapping
 TBD – To Be Determined
 TC – Trust Council
 TFB – Trust Fund Board
 TPA – Targets, Policies and Actions (re GHG emission reduction)
 TPC – Trust Programs Committee
 UBC – University of British Columbia
 UBCM – Union of BC Municipalities

Abbreviations:
 ADMIN – Administrative Services
 BIM – Bowen Island Municipality
 DEM – Digital Ecosystem Mapping
 EC – Executive Committee

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www.islandstrust.bc.ca

Colour Key for fourth column:

Colour	Potential committee/unit/body taking lead for strategy/activity
Local Planning (through Local Planning Committee, Local Planning Services staff, Local Trust Committees or Bowen Island Municipality)	
Trust Programs Committee or Trust Area Services staff	Financial Planning Committee/Administrative Services staff
Executive Committee/CAO's office	Management team
	Trust Fund Board or Islands Trust Fund staff

* Depends upon decisions of the Bowen Island Municipal Council
 ** Depends upon decisions of the Trust Fund Board



Islands Trust

Print Date: Mar-15-2011

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Short Term Vacation Rentals - Regulations Review	Staff to develop an enforcement policy and address STVRs in the OCP review	Sep-14-2009	Brodie Porter	Sep-30-2011	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Sep-14-2009	Brodie Porter		On Going



Islands Trust

Print Date: Mar-15-2011

Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Preparing information material on land use regulations for new property owners to Projects List as a new item		Mar-17-2008	On Going
2	Having a Siting and Use Permit review meeting coordinated with Denman Local Trust Committee and staff; and to use that as an opportunity to plan outreach material for our permits" as item # 8.		Sep-08-2006	On Going



Islands Trust

Print Date: Mar-15-2011

Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2010.1	Downes Point Holdings Ltd.	Nov-02-2010	
Planner: Brodie Porter			

Planning Status

Status Date: Dec-15-2010

Application approved to forward to ALC with comments.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2009.2	Hornby Island Resort Ltd.	Sep-10-2009	Pub, restaurant accommodation, office space, moorage - would like to rebuild after the summer operation of 2010.
Planner: Brodie Porter			

Planning Status

Status Date: Dec-15-2010

Report tabled on applicant's progress to comply with LTC requirements

Status Date: Aug-25-2010

Public hearing held and LTC established requirements for further consideration of bylaws

Status Date: Jun-03-2010

Draft bylaws were reviewed and staff requested to work with applicant to develop proposed amendments for July LTC meeting.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.1	Helen Grond	Apr-08-2010	to create two parcels under Section 946 of the Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Dec-10-2010

Signed section 946 covenant sent to surveyor with instructions to send us the signed covenant and subdivision plan when registered at Ito

Status Date: Oct-04-2010

PLA received July 13, 2010 - Conditions include registration of Section 946 covenant.

Status Date: Jun-10-2010

Subdivision Review sent to MOTI

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

Planning Status

Status Date: May-24-2010

Planner recieved

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.6	Christian and Peter Wai and VanGelder	Aug-10-2010	create 2 parcels
Planner: Brodie Porter			

49

Planning Status

Status Date: Dec-23-2010

Application modified to allow easement access. Issue identified with depth/width ratio for lot A. Applicants advised of options

Status Date: Dec-23-2010

PLA issued requiring confirmation of compliance with Islands Trust.

Status Date: Dec-15-2010

10 percent frontage approved

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.8			
Planner:			

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.9	Peter Mason Planner: Brodie Porter	Sep-28-2010	To create 2 parcels
Planning Status			

Status Date: Jan-06-2011

Status Date: Jan-06-2011

Status Date: Jan-06-2011

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2011.1	Joan & David Harris/Wiseman Planner: Marnie Eggen	Dec-23-2011	Boundary Adjustment
Planning Status			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2010.13	Genda and Ian Affleck Planner: Linda Prowse	Oct-19-2010	House trailer
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2010.14	Hornby Island New Horizons Society (Lessee) Planner: Marnie Eggen	Nov-23-2010	Single Storey Building (Archived)
Planning Status			

Status Date: Dec-17-2010

Requested further info from applicant

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.1	Stewart McGregor Planner: Marnie Eggen	Jan-04-2011	Build Storage Shed and Deck
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.2	Andrew & Catherine Thomson Planner: Marnie Eggen	Jan-14-2011	Residence
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.3	Charlotte Spencer Planner: Marnie Eggen	Jan-25-2011	Build a barn
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.4	Marjorie & Peter Banks Planner: Marnie Eggen	Feb-21-2011	cottage
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.5	Roy & Virginia Jorgensen Planner: Marnie Eggen	Mar-14-2011	1 Residence
Planning Status			

From: Nancy Roggers
Sent: February-24-11 11:12 AM
To: Brodie Porter; Fred Hunt; Louise Bell; Tony Law; Becky McErlean
Cc: Craig Elder
Subject: Hornby expense report - Feb/11

		Budget	Spent	Balance
Invoices posted to Feb 23, 2011				
635 Hornby	65000 Trustee Expense	1,300.00	1,125.66	174.34
635 Hornby	65200 LTC Meetings	4,550.00	2,629.02	1,920.98
	65210 APC Meetings	600.00	937.16	(337.16)
	65220 Communications	500.00	496.11	3.89
	65230 Special Projects	500.00	935.00	(435.00)
	65240 Miscellaneous	-		-
	TOTAL LTC Local Expense	6,150.00	4,997.29	1,152.71
635 Hornby	72300 OCP/LUB Expense	8,250.00	2,423.90	5,826.10

Thanks!

Nancy Roggers
 Finance Officer

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Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

Exploring Food Security in the Islands Trust Area

Final Report

Prepared by Kaitlin Kazmierowski, Island Planner

November 16, 2010



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Exploring Food Security in the Islands Trust Area

Preamble

The scope of this report is both broad and detailed. Its intent is to provide enough information about food security and food systems to bring all Trustees to a general level of understanding, while providing enough Trust-specific detail so that Trust-specific policies and actions can begin to be discussed and explored. The primary goal of this report is to inform Islands Trust Council of the general concepts involved in food security, draw connections between the various facets of the topic and give a general overview of the food system and our interactions within it. The secondary goal of the report is to start a Trust-wide conversation with regards to how the concepts, themes and actions surrounding food security can be incorporated into Trust policies, regulations and advocacy. This report is a first step and should be considered as the medium from which on-the-ground actions and ideas will spring. The conversations which stem from this report have the potential to result in highly innovative and ground-breaking policies and actions, which will serve as excellent examples for local governments, both at home and abroad.

Executive Summary

This report explores the concept of food security and local food systems in both broad and Trust-specific terms. It begins by comparing and contrasting the notions of food security (sustainable supply of nutritious, acceptable and available foods) and food sovereignty (local control of nutritious, acceptable and available foods), explaining that these concepts are mutually supportive and communities can refine their own definitions of food security to fit their visions and goals.

A brief overview of the Global, National, and Provincial food systems and statistics is contrasted with the various socio-economic and environmental benefits of more localized food systems and why there has been a resurgence in local, sustainable food systems. An overview of agriculture in the Trust Area gives further understanding to who is farming in our communities as well as the strong community support for local food.

Ten policy themes for the strengthening of Trust-wide food security are identified: **land, housing, water, wild foods/lands, processing, distribution, access, education, community agriculture and waste management.** These are reflective of major policy themes at national and international levels.

An exploration of ways in which LTCs and the Trust currently support food security via policy and land use is presented, and a variety of additional planning and advocacy tools are explored in order to present potential options for building upon current Trust food policy foundations.

Part 6 of the report presents a “tasting menu” of policy options, based upon the 10 identified policy themes and feedback from the Trust Council Food Security Workshop in September 2010. It is meant to serve only as a starting point and the beginning of a conversation about policy change; much work is to be done.

At the September 2010 Trust Council Food Security Workshop, Trustees had the opportunity to view a draft version of this report, discuss how food security can be further supported in the Trust Area, and identify priorities in this realm. The identified top priority actions were:

1. Protect agricultural lands through Land Trust and park mechanisms (e.g. support a regional farming/farmland trust fund, acquire crown lands for farming)
2. Develop on-island food processing and storage facilities for local products (e.g. community kitchens, community mobile abattoirs, cold storage)
3. Reward agricultural land stewardship (e.g. creation of an award)

4. Encourage on-island composting (e.g. support communal composting facilities, educate and encourage communal composting)
5. Support small-scale farmers in proving need for worker housing
6. Study and map our agricultural lands (e.g. quantify agricultural lands in and out of the ALR, study and map farmland and potential for supporting ourselves via local food)
7. Serve as a facilitator linking consumers, producers and social organizations

The recommendations and information stemming from this workshop are presented in this final version of the report. Part 6 of this report makes the following recommendations to Trust Council:

- THAT Trust Council should consider the modifications of the Islands Trust Policy Statement to include additional provisions for food security and reflect the inter-disciplinary nature of food in our communities.
- THAT Trust Council should consider development of model bylaws to address food security issues such as the Council identified top 7 priorities, and direct staff to return with model bylaws at a later Trust Council.
- THAT Trust Council should continue to include food security in the strategic plan.
- THAT Trust Council considers the need for additional agriculture protocols.
- THAT the Islands Trust Fund Board should consider conducting an analysis of what resources would be required to manage agricultural properties as a farmland trust.
- THAT Trust Council should consider continuing to support food security discussions in the Trust Area by providing funding and resources for further work in gathering more background and context information.
- THAT Trust Council and Local Trust Committees should work with First Nations in ensuring that development does not further infringe on traditional food gathering lands

Introduction

Everybody eats; a simple statement that holds the key as to why putting food at the centre of land use and policy ensures sustainable, well-informed and holistic long-term planning. Most of us in the West take food for granted, not only in terms of its availability, but in terms of its multi-faceted role in our daily lives and the way it connects us. Food is about personal and community health. It provides a rich source of culture and a venue for social interaction. Food is also about economic vitality, job creation and entrepreneurial spirit. Food influences how our towns and villages grow, where we chose to live and why. Food exerts a huge influence on our ecological systems, our transportation corridors and the overall livability of a neighbourhood. Due to its inherent ability to connect and engage a range of disciplines, food was often regarded as a conundrum for local governments. It never seemed to “fit” into a specific jurisdiction and was often considered the responsibility of public health. This attitude is changing as local governments are increasingly realizing that the “conundrum” of food, is indeed a strength which can be harnessed for progressive multi-disciplinary planning.

Local government has a significant role to play in ensuring that local food systems strengthen all aspects of food in our daily lives and contribute to individual and community food security. At the local level, changes can be made to support farmers, processors, distributors and consumers through land use and advocacy as well as by partnering with community groups and other government bodies. Planning for food involves collaboration and drawing upon a variety of sources of knowledge in order to get a sense of the whole picture and what is needed to move forward. Putting food at the centre of planning table will ensure that we all grow together.

The Islands Trust is well positioned to take the lead in demonstrating that by planning for food security, a local government plans for all. With a rich history of agriculture and wild food, a highly engaged population and a progressive mandate, increasing Trust support for strengthened local food systems seems like a natural move. This report aims to start this very real and increasingly important conversation. It looks at how the Trust is already including food security provisions in its planning and policy work, and how food has been an important part of the Islands Trust since the first Trust Council meetings. The report serves to look within, but also look outwards and considers examples of how we can fill the gaps in our local food systems and use progressive tools to ensure food security for our communities. In this way, this report is both a mirror and a window; reflecting what has been done, and pointing to where the Trust can go. Presenting a broad and Trust-specific discussion; this report strives to inspire and build upon the food security foundations inherent to planning in the Trust Area.

Part 1: General Concepts in Food Security

Common Vision, Many Definitions

The term “Food Security” evokes many different ideas and feelings, and with good reason; currently there are over 200 definitions and 450 indicators of food security used around the world¹. The term itself, originated in international development literature in the 1960s and 1970s, and while originally associated with issues such as famine, poverty and food aid, food security has evolved and expanded to capture a wide-range of food-related issues including the ecological, social, cultural, and political significance food holds in society. Working towards food security means taking an active role in strengthening and supporting all aspects of the food system, from field to plate and back again, to ensure they are resilient and sustainable during times of crisis and for future generations.

As mentioned, there are many definitions of food security; however, themes of access, food quality and healthy living seem to be the common threads uniting these. Before delving into food security, we must first understand what it means to be “food insecure”. Food insecurity has been defined as:

“Limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.”²

This definition speaks not only to the need for affordable foods, but the need to obtain these foods in a manner that supports personal and ecological values. Several examples of food security definitions are included below, each with a similar take on how to address the issue of food insecurity:

The Centre for Studies in Food Security at Ryerson University³

The Five As of Food Security

- 1) *Availability*- sufficient food for all people at all times
- 2) *Accessibility*- physical and economic access to food for all at all times
- 3) *Adequacy*- access to food that is nutritious and safe, and produced in environmentally sustainable ways

¹ Toronto Public Health. Background Paper Food Security: Implications for the Early Years- Chapter One: Definitions of Food Security. Accessed Jul 12-10. www.toronto.ca/health/children/pdf/fsbp_ch_1.pdf - 2006-03-27

² De la Salle, J & Holland, M. 2010. *Agricultural Urbanism: handbook for building sustainable food & agriculture systems in 21st century cities*. Green Frigate Books.

³ Ryerson University Centre for Studies in Food Security- Food Security Defined. Accessed Jul 12-10. <http://www.ryerson.ca/foodsecurity/>

- 4) *Acceptability*- access to culturally acceptable food, which is produced and obtained in ways that do not compromise people's dignity, self-respect or human rights
- 5) *Agency*- the policies and processes that enable the achievement of food security

The Food and Agriculture Organization of the United Nations (UN FAO)⁴

"a condition in which all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."

The BC Food Systems Network⁵

"A community enjoys food security when all people, at all times, have access to nutritious, safe, personally acceptable and culturally appropriate foods, produced in ways that are environmentally sound and socially just."

We define food security as a situation in which:

1. *everyone has assured access to adequate, appropriate and personally acceptable food in a way that does not damage self respect;*
2. *people are able to earn a living wage by growing, producing, processing, handling, retailing and serving food;*
3. *the quality of land, air and water are maintained and enhanced for future generations; and*
4. *food is celebrated as central to community and cultural integrity*

The beauty of food security as a movement and a concept is its holistic and pragmatic nature; it takes a whole systems approach to ensuring that the food we eat not only respects our cultural, social, environmental and economic well-being, but that it is grown and obtained in a manner that is sustainable for growers and consumers alike. It challenges decision-makers to take a look at how their communities eat and prioritize food as a way of increasing livability and resilience. Many communities have chosen to accept a definition of food security that reflects community values and priorities, and the Gulf Islands are no exception. Below is a draft definition of food security developed by the Salt Spring Island Food Security Project Steering Committee:

"Food security exists when all individuals have access to adequate, nutritious food regardless of their income and their abilities. In a food secure community, most of the food is grown, processed and distributed on a local and regional basis. Food production and distribution is conducted in a manner that is environmentally and economically sustainable and local access and production are an integral part of governance decisions affecting the community⁶."

This statement recognizes that food is a player in the political realm, and that the local government has a central role in ensuring that decisions take this into account. This last definition brings up a new facet of the food security movement, which some consider just as, if not more important than food security itself. That new facet is Food Sovereignty.

Food Sovereignty- A Vision for Local Control

The term "Food Sovereignty" was first coined in 1996 by Via Campesina ("Peasant Way"); a self-described "...international movement of peasants, small and medium-sized producers, landless, rural women, indigenous people, rural youth and agricultural workers" which advocates for family-farm-based sustainable agriculture

⁴ United Nations Food and Agriculture Organization: Food Policy Brief: Food Security. June 2006, Issue 2. Accessed Jul 8-10. http://ftp.fao.org/es/ESA/policybriefs/pb_02.pdf

⁵ BC Food Systems Network. Food Security. Accessed Jul 8-10. <http://fooddemocracy.org/security.php>.

⁶ SSI Community Food Security Project Steering Committee. 2006. Salt Spring Island Food Security: A Discussion Planning Paper. Accessed Jul 8-10. http://www.communitycouncil.ca/crfair_nl/PDFs/crfair_nl_Salt_Spring_Island_Food_Security_Report.pdf

throughout the world⁷. According to Via Campesina, food sovereignty is the basic human right of people to define their own food systems, rather than those systems being defined by international market forces. It emphasizes the roles of women and indigenous communities in traditional food growing and gathering, and focuses on sustaining the ecosystems that support resilient locally-based food supplies, as well as ensuring that there is equitable distribution and control over resources such as farmland, water and seeds.

First Nations Food Sovereignty

In Canada, the movement towards First Nations food sovereignty focuses on the importance of traditional knowledge and food gathering and preparation techniques. Traditional foods are often high in micronutrients and low in saturated fat, and thus decrease the high rates of diabetes, obesity and iron-deficiency so prevalent in First Nations populations⁸. Salmon and shellfish have been important sources of protein for Coast Salish people for generations, and it is believed that marine sources represented 90% of pre-contact protein consumption⁹. Land use barriers to First Nations food sovereignty include the privatization of wild lands, foreshore development, wild land conversion/ development, soil and water contamination and government restrictions on locations for traditional food gathering¹⁰. Local governments' ability to recognize and plan for First Nations food sovereignty not only has positive effects on health and culture, but important ecological implications when wild lands are maintained in order to support the gathering of traditional wild foods.

Security vs. Sovereignty

Food sovereignty is similar to food security in its holistic approach to the creation and maintenance of sustainable food systems; however it puts a strong emphasis on achieving this through local control, local knowledge and the local environment. Some feel that the only way to achieve food security (supply) is through food sovereignty (control). According to the Declaration of the Forum of Food Sovereignty, Food Sovereignty "...puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations."¹¹ In addition, Via Campesina defines food sovereignty as:

"Food sovereignty is the right of peoples to define their own food and agriculture; to protect and regulate domestic agricultural production and trade in order to achieve sustainable development objectives; to determine the extent to which they want to be self reliant; to restrict the dumping of products in their markets; and to provide local fisheries-based communities the priority in managing the use of and the rights to aquatic resources. Food sovereignty does not negate trade, but rather, it promotes the formulation of trade policies and practices that serve the rights of peoples to safe, healthy and ecologically sustainable production."¹²

Like food security, there are several definitions of food sovereignty, each with common goals and visions. Food sovereignty is still a relatively new concept and thus the policy frameworks it entails are still being formed. Food Secure Canada defines the Six Pillars of Food Sovereignty below¹³:

1. Focuses on Food for People: Insists on the right to food for everyone and that food is more than a commodity
2. Values Food Providers: Supports the right to produce food, and supports sustainable livelihoods.

⁷ La Via Campesina. 2007. What is La Via Campesina. Accessed Jul 12-10.

http://viacampesina.org/en/index.php?option=com_content&view=category&layout=blog&id=27&Itemid=44

⁸ Thom, B and Fediuk, K. 2008. Indigenous Food (In)Security in the Coast Salish World. University of Victoria. Paper presented at the 107th annual meeting of the American Anthropological Association San Francisco, 19 November, 2008

⁹. Ibid.

¹⁰ Ibid.

¹¹ Nyeleni, 2007. Declaration of the Forum for Food Sovereignty. Accessed Jul 12-10.

http://www.foodsovereignty.org/public/new_attached/49_Declaration_of_Nyeleni.pdf

¹² La Via Campesina. Statement from the People's Movement Assembly on Food Sovereignty. Accessed Jul 12-10. <http://viacampesina.org>

¹³ Food Secure Canada. Six Pillars of Food Sovereignty. Accessed Jul 12-10. foodsecurecanada.org

3. Localizes Food Systems: Rejects dumping and inappropriate food aid; resists dependency on remote and unaccountable corporations.
4. Puts control Locally: places control in the hands of local food providers, recognizes the need to inhabit and share territories, rejects the privatization of 'natural resources'.
5. Builds knowledge and Skills: Builds on traditional knowledge, uses research to support and pass this knowledge to future generations, rejects technologies that undermine or contaminate the local food systems.
6. Works with Nature: Uses the contributions of nature in sustainable food systems, maximizes resilience, rejects energy intensive, monocultural, industrialized, destructive production methods.

The challenge that both food security and food sovereignty pose is in actually achieving the goals they set forth. The inherent flexibility within the common vision for food security/ sovereignty allows local governments to overcome these challenges by creating their own food priorities, goals and policies in order to support the needs and build upon the strengths of local communities. Following such lofty goals requires knowledge of where food comes from, and how it interacts with its community. The following section will give a general overview of the food system in order to provide further clarity to reasons for the recent movements towards local food security and sovereignty. For the purposes of this report, the term "food security" will be used to capture the vision and goals for local, sustainable food systems, recognizing that food sovereignty is a key piece of food security.

Part 2: Global to Local: The Context and Scale of the Food System and its Role in Daily Life

Food is a nexus of industry, rural/ urban relations, global trade relations, domestic and social life, biological health, social belonging, celebration of community, paid and unpaid work, expressions of care, abuse of power, hunger strikes, fasts, and prayer. Food is part of daily life at least as much as we are consumers and possibly more as we labour for either love or money. Food and food production are inextricably tied to our ecological systems and survival in the future.

- Welsh and MacRae (1998, 242)¹⁴

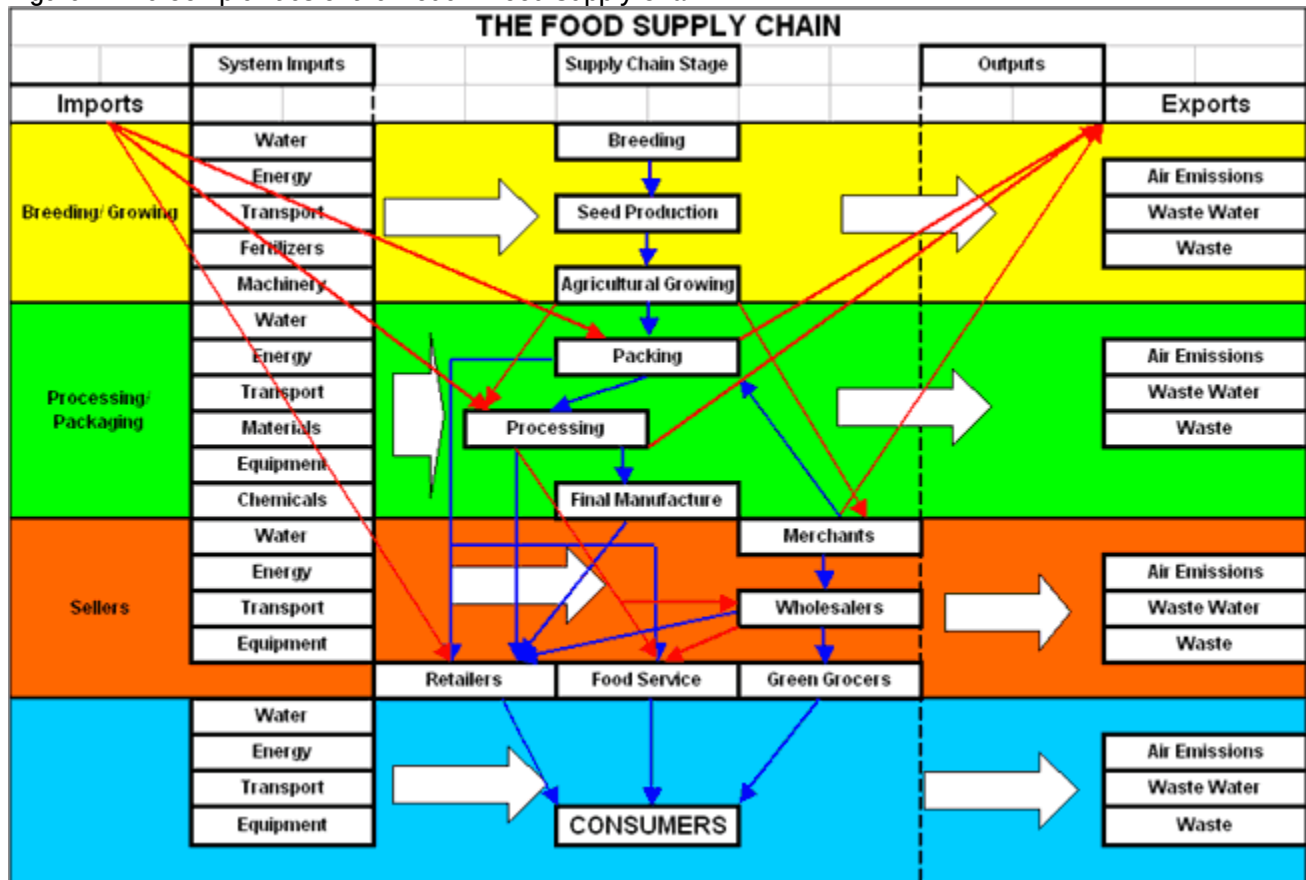
Not your Grandma's Food System: The State of Food Today

Food plays a role in every aspect of daily life. From what we cook and how we shop, to how our cities and town are built and our waste managed; food and agriculture have been central in the growth and development of our species. The ability to cultivate food in one location year after year, allowed humans to develop complex societies and civilizations; and the inability to sustainably manage the agricultural resource base has often been cited as a key reason for their demise.¹⁵

¹⁴ Campbell, M.C. 2004. Building a Common Table: The Role for Planning in Community Food Systems. *Journal of Planning Education and Research*. 23:341-355.

¹⁵ Tainter, J.A. 1988. *The Collapse of Complex Societies*. University Press, Cambridge. Pg 44.

Figure 1: The Complexities of the Modern Food Supply Chain¹⁶



The modern food system is almost unrecognizable from the food system of a few generations ago, namely due to the fact that so much of it occurs behind closed doors outside of the public sphere. The "conventional" or "industrialized" food system is one which regards food as a commodity and focuses on large-scale production, homogenous products, corporate control of agricultural inputs (seeds, fertilizers, pesticides) and outputs (processing, packaging, distribution, marketing), energy and chemical intensive production methods and profit maximization¹⁷. Essentially, it is a system increasingly controlled by very few, in order to produce as much cheap food as possible.

In 1961, Canadians spent 28% of their personal expenditures on food; by 2007, this amount had decreased to 17%¹⁸. This "cheap" food comes at a high price, as the system externalizes the costs of environmental degradation, the collapse of local rural economies and the loss of crop diversity associated with the erosion of the family farm and farming traditions. An example of this is the billion dollar global seed industry. Currently, ten companies own 67% of the world's proprietary seed market, with the world's largest seed company (Monsanto) accounting for 23% of this market¹⁹. The effects of this are staggering, and include farmer dependency on a few transnational companies, extreme loss of genetic diversity and crop resilience, and the patenting of plant life.

¹⁶ 321 Energy. Why Our Food is So Dependent on Oil. Accessed Aug 4-10. <http://www.321energy.com/editorials/church/church040205.html>

¹⁷ Campbell, M.C. 2004. Building a Common Table: The Role for Planning in Community Food Systems. *Journal of Planning Education and Research*. 23:341-355.

¹⁸ Statistics Canada. 2010. Human Activity and the Environment: Annual Statistics.

¹⁹ GM Watch. World's top ten seed companies. Accessed July 24-10. www.gmwatch.org.

The ecological, environmental and ethical questions that the conventional food system poses for local governments are overwhelming, and well beyond the scope of this report. However, this context is important to include in the discussion as it can serve as a sounding board from which to test local policies and actions in reversing, or at least steering away from a status quo; an arguably out-of-control global food system.

The National and Provincial Context

A very important thing happened in 2007; more of the world's population was living in urban, rather than rural areas. The consequences of this are far reaching, and not fully understood. This shift in living patterns poses an interesting question in terms of where our food will come from, how it will be produced and distributed, and how we will value the land and people who carry out the vital task of feeding us all. This shift in population could mean a variety of things for the Trust Area and will certainly include greater development pressures. It could also lead to a greater demand for on-island food sources and the special "island" brand of local foods.

O Canada

Currently in Canada, 3% of the population resides on farms, and roughly half of these people (1.4%) are engaged in farming²⁰. In 1921, agriculture was the single most common occupation, employing 1, 041,618 Canadians and accounting for 33% of all jobs²¹. By 2006, 346,400 Canadians were primarily employed in agriculture, accounting for 2% of total employment²². In addition, it was calculated that in 2004, 860,000 people were employed in Canada's food system, and that the food system contributed \$52 billion to the \$1.2 trillion gross domestic product (GDP)²³.

The Canadian food system includes all the products, processes and activities that put food on tables and prepare it for export. It also includes the activities associated with imported foods once they have entered the country. The Canadian food system comprises of three sectors:

- Primary Sector: agriculture and fisheries
- Secondary Sector: food-related manufacturing (e.g. food, beverage, fertilizer, pesticide and farm machinery manufacturing)
- Tertiary sector: food-related services (e.g. transportation, food services, food retail, wholesale trade, marketing)

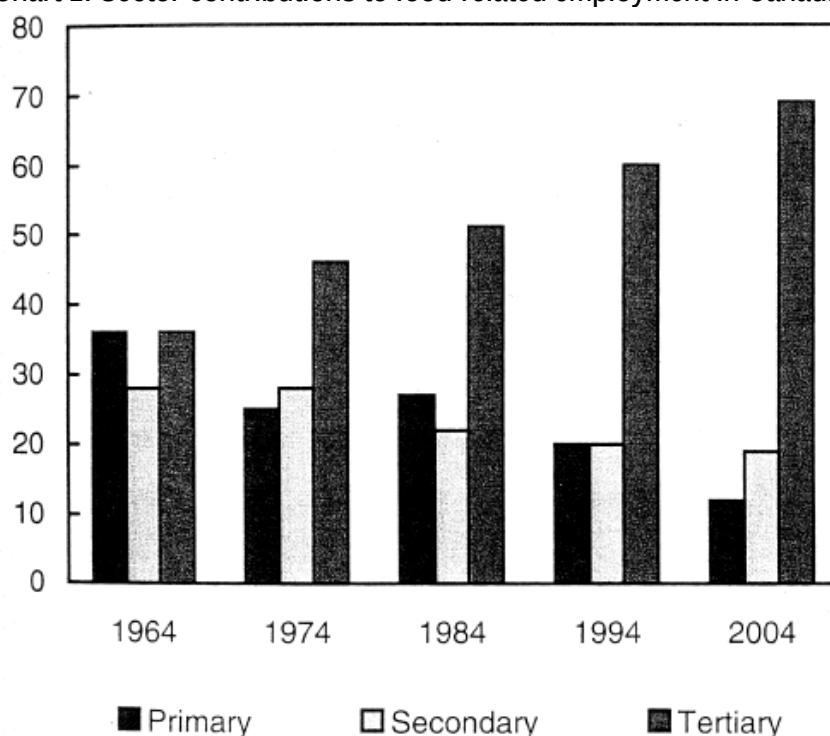
²⁰ Condon et.al. 2009. Agriculture on the Edge: Strategies to abate urban encroachment onto agricultural lands by promoting viable human-scale agriculture as an integral element of urbanization. International Journal of Agricultural Sustainability. University of Essex (UK).

²¹ Statistics Canada. 2010. Human Activity and the Environment: Annual Statistics. Catalogue no. 16-201-X

²² Ibid.

²³ Ibid.

Chart 1: Sector contributions to food-related employment in Canada²⁴



Canadian Food Facts

- 7% of Canada's land mass is used for agriculture, 70% of this is suitable for growing crops. Canada ranks 7th in the world for total amount of arable land²⁵
- In 2006, 327,070 farmers operated 229,373 farms, covering an area of 67.6 million hectares. Interestingly, since 1921, the number of farms has decreased, while the total area of croplands has increased.
- Average age of farmers rose to 52 in 2006 and the number of farmers under the age of 35 declined to 9.1%²⁶.
- 55.8% of farms are making enough gross income to cover their costs of production²⁷.
- Since 2001, the Farm Input Price Index (the cost of all the products farmers require to farm) rose 8.6%, with fuel and fertilizer costs rising by 35%, and pesticides by 19%. In contrast, the Farm Produce Price Index (the price farmers get for their goods) rose only 1.7% during that time²⁸.
- As a result of the above, 48.4% of Canadian farmers now need to find off-farm jobs that help pay the farm's bills²⁹.
- Primary sector food-related GDP contribution in 1964 was 28%, forty years later that number has dropped to 13%.
- In 1990, 70,300 people were employed by the fishing industry (including processing/ packing); by 2006 this figure had declined to 52,100.

²⁴ Statistics Canada. Industry Accounts Division. 2008. Special Tabulation.

²⁵ Statistics Canada. 2010. Human Activity and the Environment: Annual Statistics. Catalogue no. 16-201-X

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

- In 2007 over 1 million tonnes of fish and shellfish were harvested, valued at almost \$2 billion (shrimp, herring, hake, scallop, mackerel and lobster made up the bulk of commercial landings).
- Aquaculture production has grown from 73,187 tonnes in 1996, to 172,374 tonnes in 2006; an increase of 136%.
- In 2005, 68% of Inuit adults in the Canadian arctic harvested traditional foods, and in two-thirds of households obtained at least half of their fish and meat through traditional sources.
- In 2007 it was estimated that a week's worth of food for a family of four cost between \$350 and \$450 for those living in northern isolated communities, while that same cost was between \$195 and \$225 in southern Canadian cities.
- In 2007, about \$24 billion worth of food was imported into Canada from 198 different countries. Imports account for 40% of all fish, fruits and vegetables consumed³⁰.
- Canada imported over 60% of its domestic seafood product needs in 2001. At the same time Canadian seafood processors exported 74% of Canadian production³¹.
- Margin (difference between the price paid by the consumer and the price received by the producer- added by retailers, taxes and transport companies) accounted for 29% of food costs in 1964; by 2004 they were responsible for 43%.
- Almost 800,000 Canadians access food banks every month. In 2008, 37.2% of Canadian food bank clients were under 18 years old, and families with children make up more than 50% of food bank recipients³².
- About half the food banks participating in the 2008 HungerCount are located in rural communities (populations of fewer than 10,000 people)³³.
- In 2007, it was estimated that solid food waste occurring between retailer and plate amounted to the equivalent of 183 kg per person. Another 2.8 billion litres of liquids (milk products, coffee, tea, juice and pop) were also wasted. These numbers do not account for waste at other levels of production³⁴.

These numbers paint a complex picture of the conventional food system in Canada and raise important questions about land use, economics and the fair access to food for all Canadians. In addition, these statistics give a strong impression of where within the food system our priorities lie.

BC in Brief: Farming and Food in the Province

BC contains 3.5% of Canada's farmland and of this only 1% is high quality soil³⁵. Due to the Province's varied geography and climate, BC farmers produce over 250 different agricultural products including a wide variety of grain crops, tree fruits, berries, vegetables, grapes and meat³⁶. One unique aspect of the BC food system is the Agriculture Land Reserve (ALR). Established in 1972, the Provincial government created the ALR in an effort to protect farmland from conversion to other uses. However, the slow erosion of the ALR continues, and while it remains a viable tool for the preservation of some of BC's farmland, it presents a range of complex challenges and

³⁰ Statistics Canada. Canadian exports and imports. Accessed July 24-10. <http://www.statcan.gc.ca/pub/15-515-x/2004001/4064688-eng.htm>

³¹ Ibid,

³² Food Banks Canada. Learn more about the problem of hunger in Canada. Accessed July 24-10. <http://www.cafb-acba.ca/main2.cfm?id=10718629-B6A7-8AA0-6D9B9CE378DE06DA>

³³ Ibid.

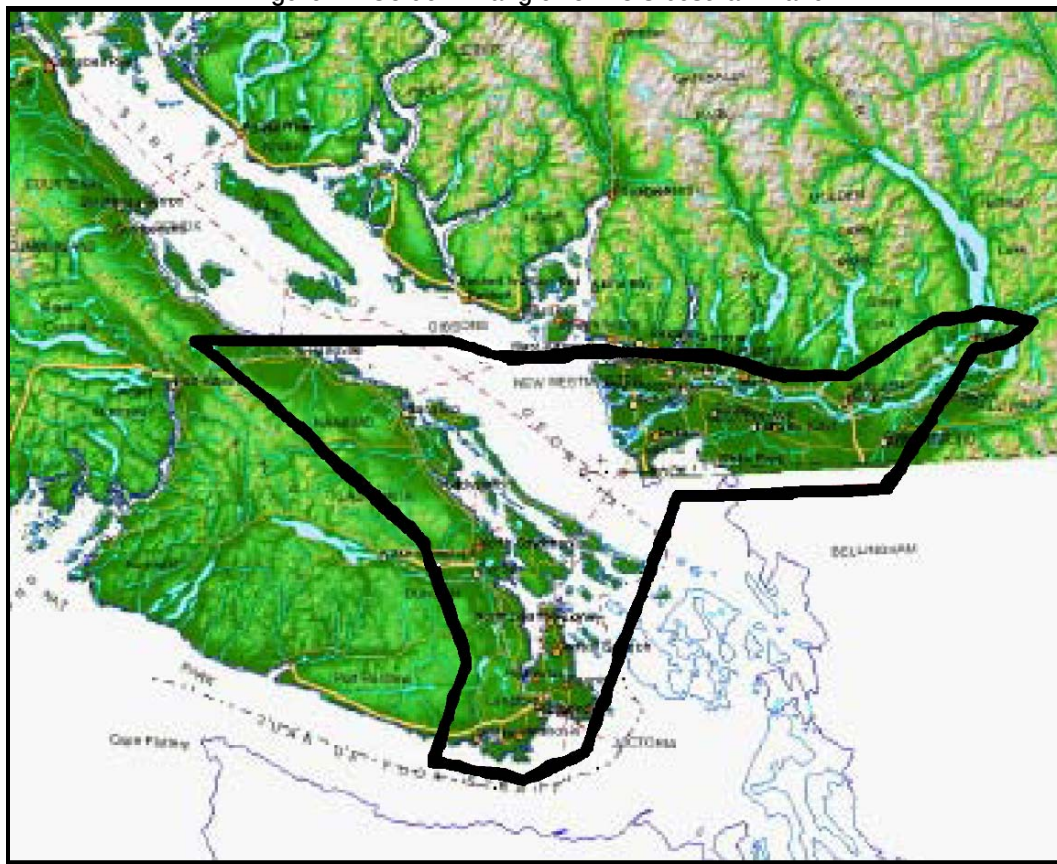
³⁴ Statistics Canada. 2010. Human Activity and the Environment: Annual Statistics. Catalogue no. 16-201-X

³⁵ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production

³⁶ Ibid.

issues. Some brief facts about food and farming in BC are included below in order to provide a context for local food security action and policy. Much like the National statistics, similar trends can be observed at a Provincial level.

Figure 2: “Golden Triangle” of BC's best farm land



BC's best farmland lies between the lower mainland and southeast Vancouver Island³⁷

- Between 2001 and 2005, the Agricultural Land Commission (ALC) removed 71.4% of the 7,493 ha of ALR land under consideration for removal. Land removal was highest in the Vancouver Island region. Inclusions into the ALR are often in the north on marginal lands. One critique of the ALR is that it preserves land, not farmers.
- Cost of farmland in BC increased 14.5% in 2007 and is selling for approximately \$74K- \$247K per hectare³⁸. As development pressures in the ALR drive up land values, younger farmers find themselves unable to afford land.
- Between 2001 and 2006 BC's agriculture triangle saw: 88.5% increase in BC's population, 67% of the increase in B.C gross farm receipts³⁹.
- 79% of BC residents live next to land responsible for 78% of BC's farm revenues.

³⁷ Geggie, L. & Platt, K. 2009. Our farmlands, Our foodlands, Our future: a findings report on tools and strategies for ensuring productive and accessible farmlands in the CRD. Victoria, B.C. Canada

³⁸ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production.

³⁹ Geggie, L. & Platt, K. 2009. Our farmlands, Our foodlands, Our future: a findings report on tools and strategies for ensuring productive and accessible farmlands in the CRD. Victoria, B.C. Canada

- In 2006, there were 19,844 BC farms (a 2.2% decrease from 2001), and 29,870 farm operators (a 1.5% decline from 2001)⁴⁰
- BC's agricultural sector supplies less than 50% of the province's food requirements
- 10% of the food Vancouver residents consume is grown on Vancouver Island
- In BC, local agriculture generates more than \$22 billion in sales from only 3% of the Province's land base⁴¹
- There are over 500 community kitchens in BC, which help low-income residents with hunger alleviation, but also build social capital through interaction and team-work⁴².

Table 1: BC Consumption of BC Production⁴³

Product	% of total product grown in BC
Dairy, poultry, and egg products	90%
Vegetables	55%
Fruits	41%
Beef	50%

Table 2: Where BC's Produce Goes⁴⁴

Product	Wholesale	Processing	Farm and roadside
Field vegetables	63%	18%	18%
Greenhouse vegetables	100%	–	–
Mushrooms	100%	–	–
Tree fruits	74%	21%	5%
Berry and nuts	19%	78%	3%

Key Legislation

In Canada, the federal and provincial governments share jurisdiction over agriculture as expressed in the Canadian Constitution. In 2005, the Supreme Court reaffirmed the *Agricultural Products and Marketing Act*, which states that while production of agricultural products is exclusively provincial jurisdiction, all trade (inter-provincially or internationally) is federal⁴⁵. As a result, marketing is shared. A list of key pieces of agricultural legislation is included below.

⁴⁰ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production.

⁴¹ Provincial Health services Authority. A Seat at the Table: Resource guide for local governments to promote food secure communities. June 2008. www.phsa.ca/HealthPro/PopPubHelath/default.htm

⁴² The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production.

⁴³ Zbeetnoff, D. 2009. *Overview of BC's Food Economy*. Zbeetnoff Agro-Environmental Consulting. 2009 BC Land Summit. Whistler, BC.

⁴⁴ Ibid.

⁴⁵ Environmental Law Centre Society. 2007. Legal barriers to Increased Local Food Production and Distribution. File No. 2007-01-04. University of Victoria.

Provincial Powers

Agricultural Land Commission Act

The ALC Act is the primary tool for farmland protection in BC, and applies to lands within the Agriculture Land Reserve (ALR). At the inception of the ALR, regional districts were required to adopt Land Reserve Plans via bylaws and file them with the ALC. OCPs and bylaws may not contradict the ALC Act; however, any ALR land use application must be first filed with the local government. If an application is for the exclusion of land from the ALR, for non-farm use or to subdivide land within the ALR where a bylaw permits farming, the local government can reject the application, approve the application and forward it to the ALC for consideration, or forward the application to the ALC without comment⁴⁶.

Farm Practices Protection Act (Right to Farm)

The *Right to Farm Act* protects farmers carrying out “normal farm practices” in the ALR, on lands zoned for agriculture and for licensed aquaculture operations from claims of nuisance (dust, noise, odour). The Farm Practices Board, established through the Act is a tribunal that considers and encourages the settlement of complaints from persons aggrieved by disturbances associated with farm operations⁴⁷.

Water Act

The *Water Act* enables provincial control over all surface and ground water in BC; however, there are currently very few regulations in place for groundwater protection. A license for agricultural related water use is required unless water is collected on the land or drawn from a well. Works around streams may require permits under the *Water Act*, the provincial *Fish Protection Act* and the federal *Fisheries Act*. Agriculture is exempt from Provincial Riparian Area Regulations⁴⁸.

Environmental Management Act

The *Environmental Management Act* regulates certain agricultural practices such as open burning and handling of waste from pesticide use and waste compost production⁴⁹.

Assessment Act

Property assessment is a provincial responsibility, in which buildings are classified and their value assessed each year⁵⁰.

Health Act & Food Safety Act

Both Acts are administered by the BC Ministry of Health, and establish standards and procedures aimed at protecting public health including food safety, and food-related health inspection. The *Food Safety Act* covers topics such as inspections for the meat and milk industries, and the Food Premises Regulation; regulations which have been considered detrimental to small-scale farmers due to their focus on large-scale industrial operations and resource-intensive production frameworks⁵¹.

Local Power

Land Title Act

⁴⁶ CRD Roundtable on the Environment: Food and Agriculture Subcommittee. What can and Should Local Governments do to Protect and Enhance Local Agriculture? June 11, 2009.

⁴⁷ Ministry of Agriculture and Lands, Strengthening Farming Branch. Key Legislation. Accessed July 20-10.
http://www.agf.gov.bc.ca/resmgmt/sf/keylegisl.htm#FPPA_Act.

⁴⁸ CRD Roundtable on the Environment: Food and Agriculture Subcommittee. What can and Should Local Governments do to Protect and Enhance Local Agriculture? June 11, 2009.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Masselink Environmental Design. 2008. Salt Spring Island Area Farm Plan.

Section 86(1) of the *Land Title Act* gives approving officers the power to assess the impacts of subdivision on farmland in terms of buffering from adjoining uses such as roads and developments that could interfere with farming operations⁵².

Local Government Act

The LGA provides the legislative framework for local governments. Agriculture provisions such as community planning, zoning, nuisance regulations and removal and deposit of soil, weed and pest control and water usage are included under the Act. Sections which address planning for agriculture include:

- Policy statements in OCPs to designate farmland as well as the maintenance and enhancement agricultural lands.
- Adoption procedures require OCPs to refer any ALR applications to the ALC for comment prior to adoption.
- Development permit areas for farming protection and buffering from adjoining uses.
- Use of land for agricultural operations in areas designated as farming areas by the Ministry of Agriculture and Lands is the responsibility of that Ministry with regards to approval for zoning bylaws restricting farm use in agricultural areas; establishing agricultural standards for bylaw preparation; permitting the creation of “farm bylaws”; and reviewing bylaws to ensure they meet ministerial standards for agriculture⁵³. This does not apply to the Trust Area as it has not been designated a farming area by the Ministry (See sections 903(5), 917 and 918 of the *Local Government Act*). There are pros and cons to such designations that Trustees may wish to explore further.

Resurgence of Local: Emergence of a Home-Grown Food Culture

The numbers, regulations and complexities discussed earlier in the section only give a glimpse of how the modern food system functions. Many of the conventional processes that move food from field to fork and back again are difficult to visualize, because they are just that; invisible to the general public. This lack of transparency requires consumers to place large amounts of trust in an often hidden system. The local food movement strives to bring food production into the public realm, shine a light on production methods, celebrate local flavours, and put a face to food, allowing consumers to understand exactly what they are eating and where it is coming from. In short, it allows for an exchange of money and information at the till; it is a return to informed consumer choice. Table 3 provides a brief overview of some of the fundamental differences between the conventional and the alternative food systems in terms of their goals, foci and general values⁵⁴.

The local food movement has been gaining strength for several decades, and appears to only be getting stronger. Concerns about the ecological integrity of conventional farming practices, public health concerns regarding chemical pesticides, irradiation of foods, genetically modified organisms, and food handling, the loss of agricultural land, climate change, and the lack of healthy foods for low-income residents have all been major sources of motivation behind this movement; again speaking to how local food can serve as a means of uniting many different concerns under a common banner⁵⁵. As a result of these various concerns, the movement towards organic farming (farming in harmony with nature. See Appendix A for a full definition) and related means of accessing these products has taken off. It must be noted that while many farms may practice organic farming methods (sometimes called “ecological”, “pesticide-free”, or “natural” farming), they may not be “certified organic” (a formal and expensive process carried out by any of Canada’s 30 certifying bodies), but operate under the same tenets. Again, knowing and trusting your producer often negates the need for official certification. It should also be noted that not

⁵² CRD Roundtable on the Environment: Food and Agriculture Subcommittee. What can and Should Local Governments do to Protect and Enhance Local Agriculture? June 11, 2009

⁵³ Ibid.

⁵⁴ Campbell, M.C. 2004. Building a Common Table: The Role for Planning in Community Food Systems. *Journal of Planning Education and Research*. 23:341-355.

⁵⁵ Wunsch, P. 2002. Statistics Canada. “There’s more to organic farming than being pesticide-free”. Canadian Agriculture at a Glance. Statistics Canada, Catalogue no. 96-325-XPB.

all certified organic food comes from small farms. In fact, the rise in large-scale “corporate organic” farms has sparked debate regarding whether or not they can adhere to the organic farming tenets due to their size and large-scale production methods.

The number of certified organic farms in Canada grew by nearly 60% between 2001 and 2006 from 2,230 to 3,555, and now account for 1.5% of all farms in the country⁵⁶. In addition, in the 2006 census, 12,000 producers consider themselves “organic but not certified”⁵⁷. These types of producers often sell their products through alternative means such as farmers markets and food box programs. An increase in sustainable producers can often lead to an increase in the alternative means by which their products are sold and have positive effects in terms of community vitality and job creation. Currently, there are over 125 farmers markets operating in BC⁵⁸, and it was reported in 2008 that the impact of farmers’ markets on the Canadian economy was roughly \$3.09 billion⁵⁹.

GHG Emissions and Our Food: Uncertainties and Expectations

The issue of greenhouse gas (GHG) emissions and food systems has received significant attention in recent years in the general media and through the popularity of books such as “The 100-Mile Diet”. There has been a tendency to focus on the large distances involved in transporting food from farm to plate in a globalized food system (“food miles”). This has led to a general belief that local food systems produce fewer GHG emissions than the global food system. While this may be true in certain circumstances, there are more considerations and processes that must be taken into account, many of which have yet to be fully explored.

Emissions associated with food are not only attributable to transportation. In fact, in the US, emissions from transportation represent only 11% of all GHG emissions from the food sector⁶⁰. Therefore, the true comparative impact of food on GHG emissions is best measured through a lifecycle assessment that considers the whole spectrum of emissions associated with production and processing as well as transportation. There have been a number of studies to date which have attempted a comparison of local and global food in a number of individual commodities^{61 62 63}, but are rare for food systems as a whole^{64 65}. The studies that are available often contradict each other as they make different assumptions and use different starting points, however; some general conclusions can be drawn.

The advantages that the global food system presents and the reasons for its rise can be found in the economic principles of economies of scale and comparative advantage. Large scale producers and processors are able to realize efficiencies in energy and resource use that small-scale operations cannot, simply by the sheer quantities that can be produced at a single location. In addition, the global system is able to take advantage of production

⁵⁶ Kendrick, J. 2009. Statistics Canada, “Organic: from niche to mainstream”. Canadian Agriculture at a Glance. Statistics Canada, Catalogue no. 96-325-X.

⁵⁷ Ibid.

⁵⁸ BC Association of Farmers Markets. 2010. Accessed Aug 3-10. <http://www.bcfarmersmarket.org/>

⁵⁹ Farmers’ Markets Canada. 2009. Economic Impact of Farmers’ Markets \$3.09 Billion, Accessed Aug 2-10. http://www.bcfarmersmarket.org/pdf/fmc_brochure09.pdf

⁶⁰ Weber, C.L. and H.S. Matthews, 2008. Food-Miles and the Relative Climate Impacts of Food Choices in the United States. *Environmental Science & Technology*. 42(10): 3508-3513.

⁶¹ Schlich, E. and U. Fleissner. 2005. The Ecology of Scale: Assessment of Regional Energy Turnover and Comparison with Global Food. *The International Journal of Life Cycle Assessment*. 10(3): 219-223

⁶² Jones, A. 2002. An Environmental Assessment of Food Supply Chains: A Case Study on Dessert Apples. *Environmental Management*. 30(4): 560-576.

⁶³ Blanke, M. and B. Burdick. 2005. Food (miles) for Thought - Energy Balance for Locally-grown versus Imported Apple Fruit. *Environmental Science and Pollution Research*. 12(3): 125-127.

⁶⁴ Ibid.

⁶⁵ Edwards-Jones, G., et al. 2008. Testing the assertion that ‘local food is best’: the challenges of an evidence-based approach. *Trends in Food Science & Technology*. 19(5): 265-274.

efficiencies resulting from regional differences in climate⁶⁶. The provision of fresh foods on a year-round basis through the global food system has also created an expectation among consumers of assured availability of food out of season. Recreating local food systems to satisfy this would therefore require a shift towards a much more seasonal diet and a change in consumer expectation, or would result in a shift in production to more energy and resource intensive greenhouse production. In many cases, producing food in heated, hydroponic greenhouses is much more resource intensive than importing field grown crops grown in a warmer climate, and transporting them to colder climates produces fewer GHG emissions⁶⁷. Although increasing local greenhouse production may be desirable from a food availability perspective of food security, from a GHG emission perspective, it is counterproductive if it is done in a resource intensive manner.

The advantages of local food systems lie in the opportunity to rebuild local food systems that are based on sustainable agriculture, seasonality, and efficient storage, processing and distribution. This involves agricultural practices which sequester carbon in soil, reduce methane and nitrous oxide emissions, use storage and processing facilities reliant on renewable or low energy sources, and recapture knowledge about how to grow and store food in an energy efficient manner. Local apples, for instance, used to be available without the energy-intensive storage and transportation required today because growers planted many varieties which had different maturation rates and storage qualities. This enabled low energy storage for only short periods of the year in order to have a constant supply of apples throughout the year⁶⁸. A return to this type of system seems especially possible in the Trust Area where a number of growers are actively growing and preserving older and hardier varieties of crops.

People who make the switch to local food generally consume less processed food which results in savings of emissions from industrial processing. This is also a healthier way for people to eat, but requires knowledge and cooking skills in order to accomplish. The problem currently is that local food systems have been fragmented, and if people wish to consume local products, they are often required to drive extra miles to find them.

As previously mentioned, while it is difficult to capture the issue of GHG emissions associated with food due to a vast number of variables and trade-offs, the Trust Area is well positioned to take advantage of the relocalization movement and make the efficiencies happen through rebuilding local food systems that have sustainability and efficiency at their heart. This is demonstrated through the farming practices currently taking place, the seasonality of the products available, the traditional crops grown, and the initiatives to educate, farm, process and distribute local food together. The means by which the Trust can further support and enable this relocalization are discussed further in this report.

⁶⁶ Blanke, M. and B. Burdick, 2005. Food (miles) for Thought - Energy Balance for Locally-grown versus Imported Apple Fruit. *Environmental Science and Pollution Research*. 12(3): 125-127.

⁶⁷ Wackernagel, M. and W. Rees. 1996. *Our Ecological Footprint: Reducing Human Impact on the Earth*. Gabriola Island: New Society Publishers. p. 108-109.

⁶⁸ Jones, A. 2002. An Environmental Assessment of Food Supply Chains: A Case Study on Dessert Apples. *Environmental Management*. 30(4): 560-576.

Table 3: Conventional vs. Alternative Food Systems (Adopted from Campbell, M.C. 2004)

Stakeholders	Values	Time Frame/ Approach	Scale/ Unit of Analysis	Sources of Power	Interests/ Focus	Positions/ Goals
Global industrialized food system: Conventional (corporate) food system (includes agribusiness, conventional farming and ranching, corporate organic farming; food brokers, processors, manufacturers and retailers; seed and fertilizer companies; labour unions)	Food as a commodity;	Short-term (profits) and long-term (market dominance)	Global/transnational corporate scale.	Top-down control	Large-scale production.	Reduction of economic risk through vertical and horizontal integration.
	Profit maximization;		Market economy model.	Concentration of market players.	Vertical integration of agricultural inputs, processing, retailing.	Product specialization.
	Efficiency;	Reactive	Economic analysis.	Control of resources.	Control of production, distribution, marketing.	Control of market share.
	Scientific (biotech)				Homogenization of foods and palates.	Influence consumer shopping and eating behaviours
Alternative food system: Sustainable agriculture movement (includes small and large-scale diversified farming operations; organic farmers; natural food stores, co-ops, farmers markets, Community Shared Agriculture and other retailers) Community food security advocates (includes community gardening and urban agriculture proponents, community organizations, and public health and other national policy organizations.	Environmental sustainability	Long term	Regional scale ("foodshed")	Bottom-up controls.	Direct marketing (producer/ grower focused)	Structural change
	Biodiversity	Proactive	Community scale	Strong social networks	Environmental risk reduction, elimination	Protect local agriculture
	Economic viability		Community development model	Organizing (of farmers)	Maintaining place-based, seasonal foods	Promote diversified operations
	Food as an individual and community right		Systems analysis	Coalition building (e.g. with environmental movement).	Reduce societal costs of hunger	Promote sustainable agricultural practices
	Social equity/ justice			Self-reliance/ empowerment	Improve individual health through food access	Build community food resources and access
					Self-reliance	Create economic opportunity
					Individual and community empowerment, food democracy	Promote public health
					Connect producer-consumer	Create urban-rural partnerships
						Develop "food citizens"

Characteristics of Local Food Systems

Recent books such as *The Omnivore's Dilemma*, *Trauma Farm* and *Animal, Vegetable, Miracle* have re-popularized the idea of taking control of one's food system by purchasing directly from the farmer, growing one's own food, and rediscovering the (recently) lost arts of home cooking, food preservation, gardening and composting. Again, it comes down to gaining a sense of trust and knowledge by being an active rather than passive participant in the food system.

Supporting a resilient local food system leads to a diverse array of positive benefits.

- **Strengthened local economies:** Buying local, or supporting businesses that purchase local food ensures that money stays within the local economy to support other local businesses and community services. In turn, rural economies remain vibrant and viable, and a positive feedback loop is established.
- **Resilient Farmers:** Purchasing directly from a producer not only allows producers to receive a greater share of the profit, but allows them to become deeply in tune with the local market by growing food according to certain practices and according to local tastes. Consistent local markets (e.g. farmers markets, coops, direct sales to restaurants, Community Supported Agriculture (CSA) programs, food boxes, etc) give local producers the ability to plan for the long term, expand/ develop their operations and thus become more financially secure. Proving that farming can be a financially viable way of life will ensure its sustained presence in our communities.
- **Ecological Sustainability:** While it is difficult to generalize, smaller-scale farms (the majority of those in the Trust Area) tend to employ ecological farming practices that work in tune with local climate, soil, flora and fauna to minimize the need for external energy intensive inputs and contribute to the ecological health of the supporting environment. Smaller-scale farms tend to plant a greater diversity of crops to ensure crop resilience in the face of adverse weather or pests; a practice often resulting in the use of heartier heritage varieties and the maintenance of seed diversity. In addition, smaller-scale farms will often practice soil and water conservation techniques (e.g. low or no-till and drip irrigation), create their own on-farm inputs (e.g. compost), and when purchasing external inputs, will tend to spend their money within the community.

While small-scale locally focused farms may not all be certified organic, they tend to practice organic farming methods. These types of farms also tend to be more in tune with what the community desires and how the local environment functions; again, the issue of putting a face to food and the trust that comes from that knowledge can help inform both consumer and producer. An informed community will know what it is looking for in terms of how its local food is produced, and a local farmer can use that knowledge to ensure that the community doesn't have to look too far afield for what it wants.

- **Community resilience:** A common statistic used to describe the food vulnerability of Canadian communities in the face of crisis or natural disaster is the three-day rule. Should supply lines be severed, most of our communities have enough food to last for three days. Relying on ferry service for 95% of our food supply makes the communities in the Trust Area even more vulnerable. Increasing not only the amount of food grown in our communities, but the types of foods, and the ways in which these can be locally processed and accessed, will only increase community food security. In addition, accessing the knowledge of growing, cooking and preservation supports community resilience not only in terms of local food supply, but in nutritional health and self-sufficiency.
- **Celebration and social capital:** The ways in which local foods are often sold contain an inherent sense of social connectedness and celebration. Local food distribution and retail venues such as farmers

markets, country grocers, farm stands, and Community Support Agriculture (pre-paid farm direct food pick-up and U-pick programs) tend to be more in tune with community character, often foster more conversations and result in more social interactions. Again, these venues foster trust between consumer and producer as they allow for a direct exchange of information and the experience of eating food in a seasonal and regional context

Part 3: Island Context

Brief history of farming in the Gulf Islands

Each island in the Trust Area possesses its own unique food history. Middens and summer encampments point to a rich history of First Nations fishing and foraging, while hundred and fifty year old homesteads and farms indicate that food production was, and continues to be, an important way of life and source of local culture. In the early to mid twentieth century, parts of the Trust Area served as net exporters of produce to Vancouver Island and the lower mainland, and while volumes have decreased, the Trust Area is increasingly becoming known for high-quality sustainably produced food and its strong local food systems. Many Islands have farmer's institutes, agricultural halls, farmers markets and harvest festivals. With the resurgence of local food, these are once again leading the way as sources of important local knowledge, information sharing, celebration, and as venues to tackle larger issues such as climate change adaptation, livability and resilience.

Snapshot: Food in the Trust Area

There is no doubt that food plays a major role in life in the Trust Area. A range of farms, farming practices and community-lead food initiatives indicates that the enthusiasm and passion surrounding local food and its role within Island communities are here to stay. The following section gives a better idea of the state of agriculture in the Trust Area via the analysis of agricultural Census data. It must be noted that where Census data is comparable year-to-year, comparisons have been provided, and where applicable, as many Local Trust Areas as possible have been included. Due to the low populations of some Local Trust Areas, there are many occasions, especially in the 1996 Census of Agriculture, where the local data has been suppressed by Statistics Canada to protect the confidentiality of the farmer/farm operation. The gaps within the available data demonstrate a strong case for the collection of this valuable Local Trust Area-specific information. The need for additional agricultural information is identified in the final section of this report. Supporting these types of studies/ information gathering initiatives is something Trust Council may wish to consider in order to ensure that future policies are as relevant as possible.

Statistics

In 2006 there were 400 farms in the Trust Area, with 245 of these operating under sole proprietorship and the majority of the rest operating under partnership (118) or Family Corporation (29)⁶⁹. Fifty-seven percent of farm operators are aged 55 years or more, 39% are between the ages of 35-54 and only 4% are under 35⁷⁰. The average age of farmers in the Trust Area is 56.3, above the national average of 52. Forty-one percent of farmers in the Trust Area are female; this is much higher than the national percentage of 27.8%⁷¹.

⁶⁹ Statistics Canada. Census of Agriculture. 2006. Special Tabulation.

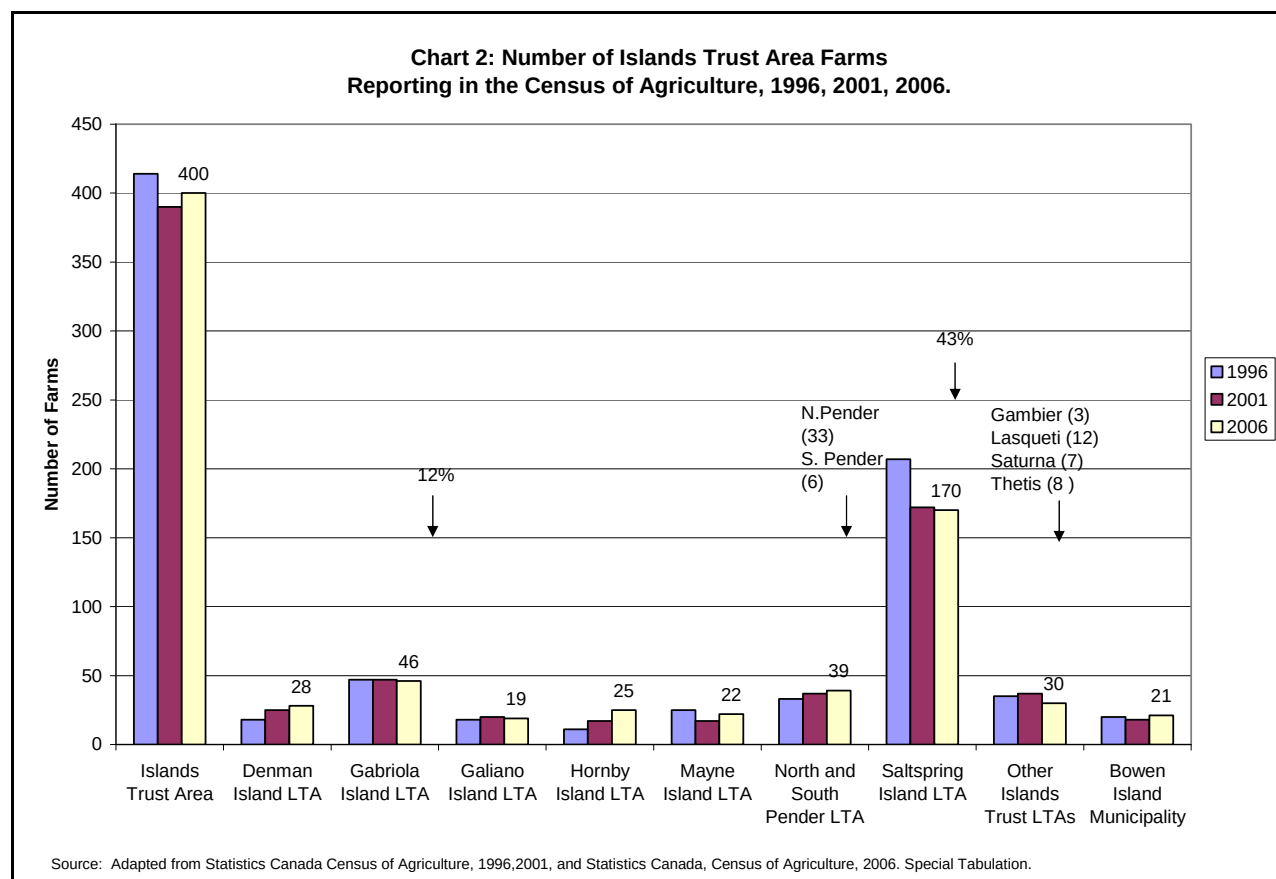
⁷⁰ Ibid.

⁷¹ Ibid

Land

It has been estimated that 0.524 ha is needed to produce food for one person for one year (given the technology available today)⁷². In Trust Area this amounts to roughly 13, 100 ha; however, it should be noted that this figure is estimated maximum based upon a diet that includes land-based meat consumption. Currently 10,700 ha (13.5%) of the Trust Area is in the ALR with 860 ha of this zoned Agricultural (A or Ag). The rest of this ALR land falls under other zoning designations such as Park or another agriculture-type zoning designation (e.g. “Land Based”).

Chart 2 below, gives an idea of how many farms are in the Trust Area, and how this number has changed between 1996 and 2006.

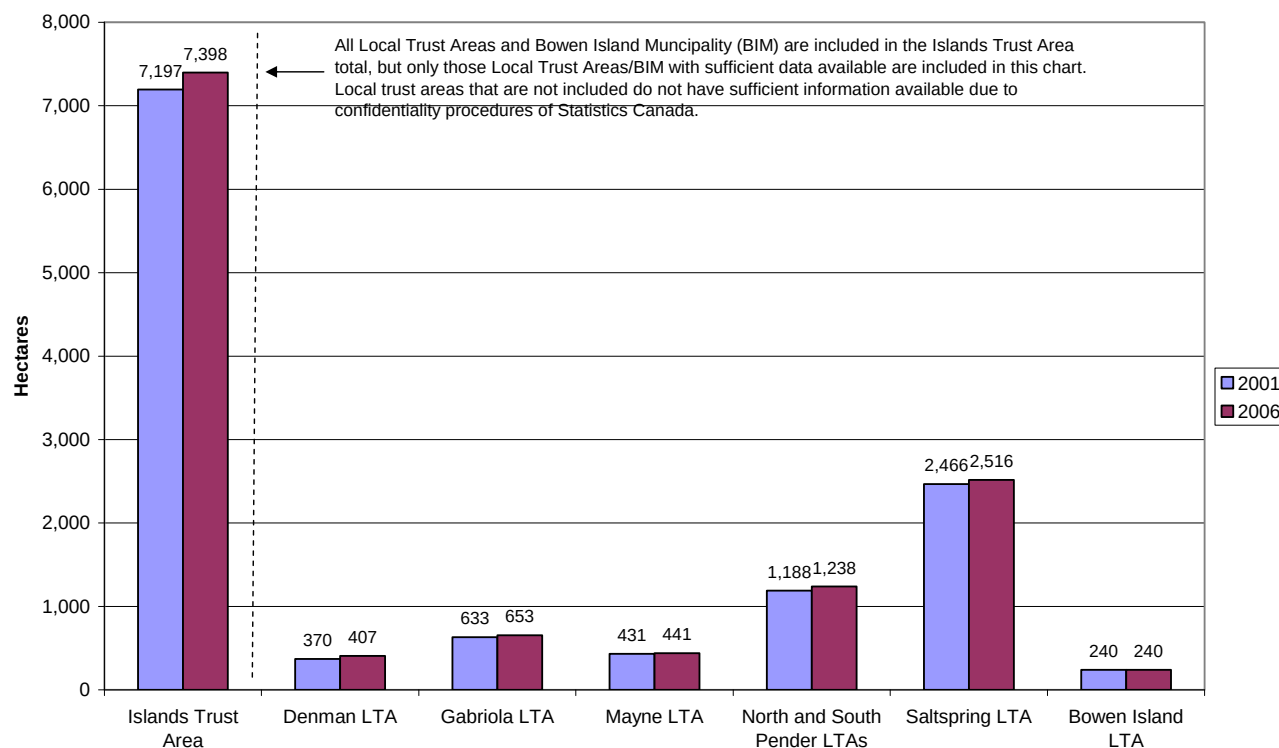


Tenure

There are several forms of agricultural land tenure in the Trust Area. Charts 3 and 4 below, give a sense of how much farmland is owned and how much farmland is operated in the Trust Area. Chart 5 demonstrates that in 2006, the vast majority of farmland in the Trust Area (89%) is owned. It is also interesting to note that Bowen Island Municipality is the only jurisdiction in the Trust Area where all farmers own all their land.

⁷² The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production.

Chart 3: Total Land Area Owned, Islands Trust Area, 2001, 2006.



Note: 383 Farms Reporting in 2001 and 2006.

Source: Adapted from Statistics Canada Census of Agriculture, 2001 and Statistics Canada, Census of Agriculture, 2006. Special Tabulation.

Chart 4: Total Area of Land Operated, Islands Trust Area, 2006.

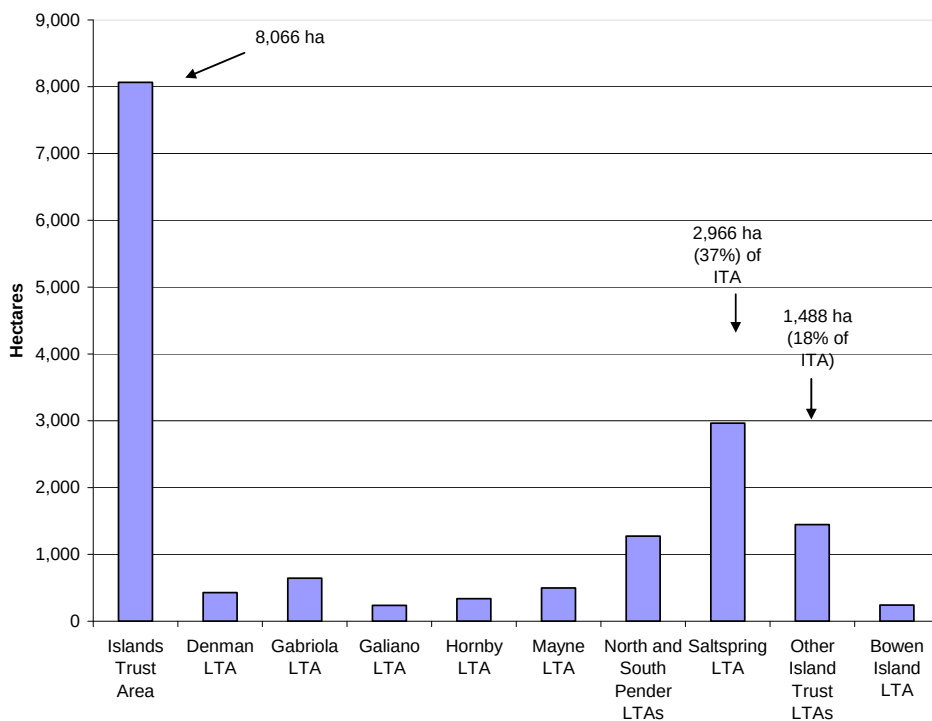
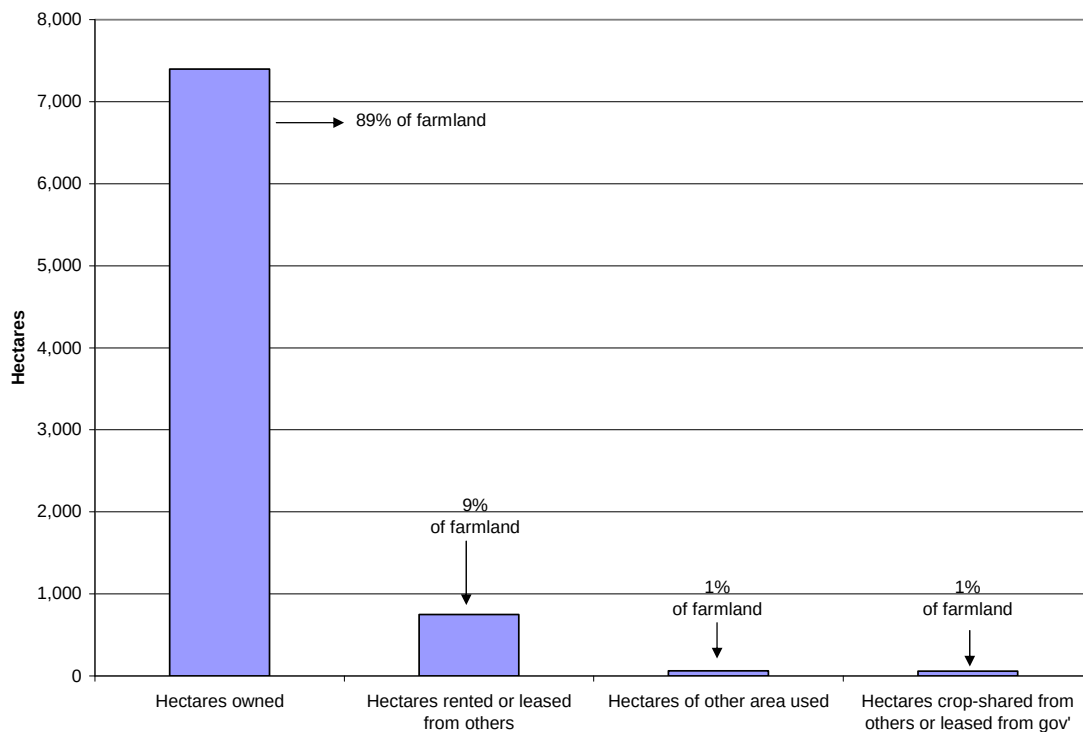


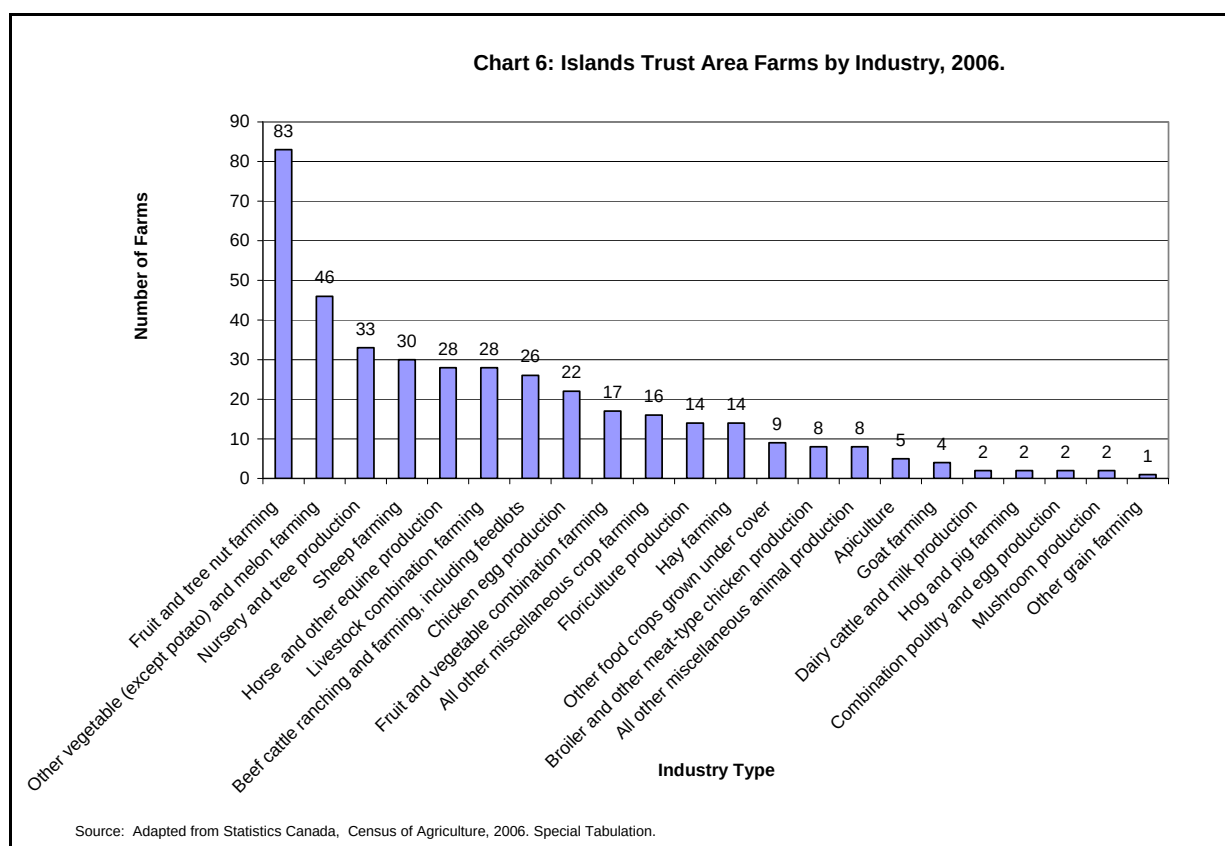
Chart 5: Farmland Tenure in the Islands Trust Area, 2006.

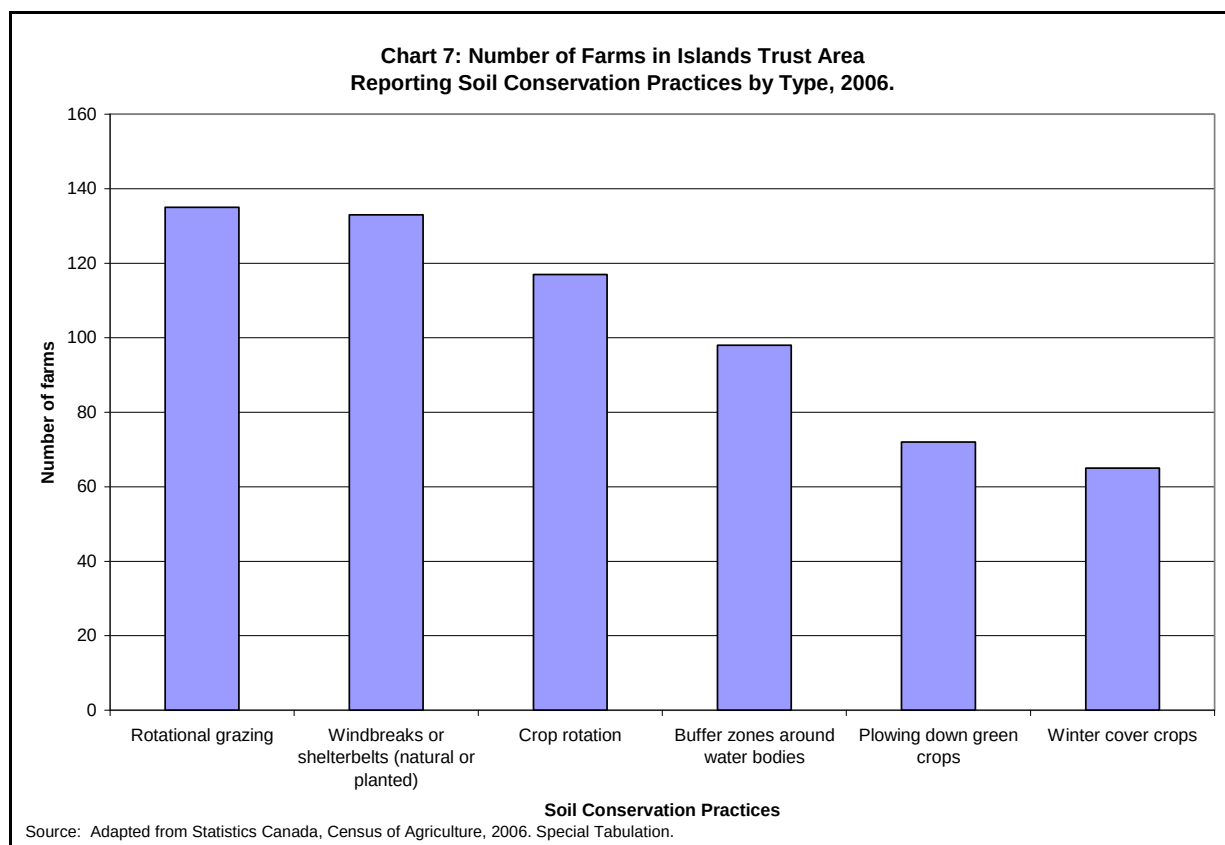


Types of Farms and Farming Practices

Trust Area farms produce a wide variety of products under a range of farming practices. Almost half of the 400 farms that completed the 2006 Census of Agriculture reported producing organic products regardless of certification. Nineteen farms (5%) reported producing certified organic products, while five farms (1%) reported producing transitional organic products. One hundred and seventy farms (43%) reported producing non-organic products.

Chart 6 shows the wide variety of agricultural products produced in the Trust Area. Certain categories were not reported on by Trust Area farm operators; these included some of the traditional “cash crops” such as corn, soy and wheat. While, there was some reporting of varieties of poultry and eggs production, there was no reporting of poultry hatcheries, nor production of furbearing animals or rabbits (fur farms are prohibited in many Land Use Bylaws in the Trust). In addition, potato, tobacco, oilseed and dry pea and bean farming were not reported in the Trust Area. Chart 7 speaks to a variety of soil conservation practices being implemented on Trust Area farms and demonstrates how the working landscape is can also work in-tune with nature.



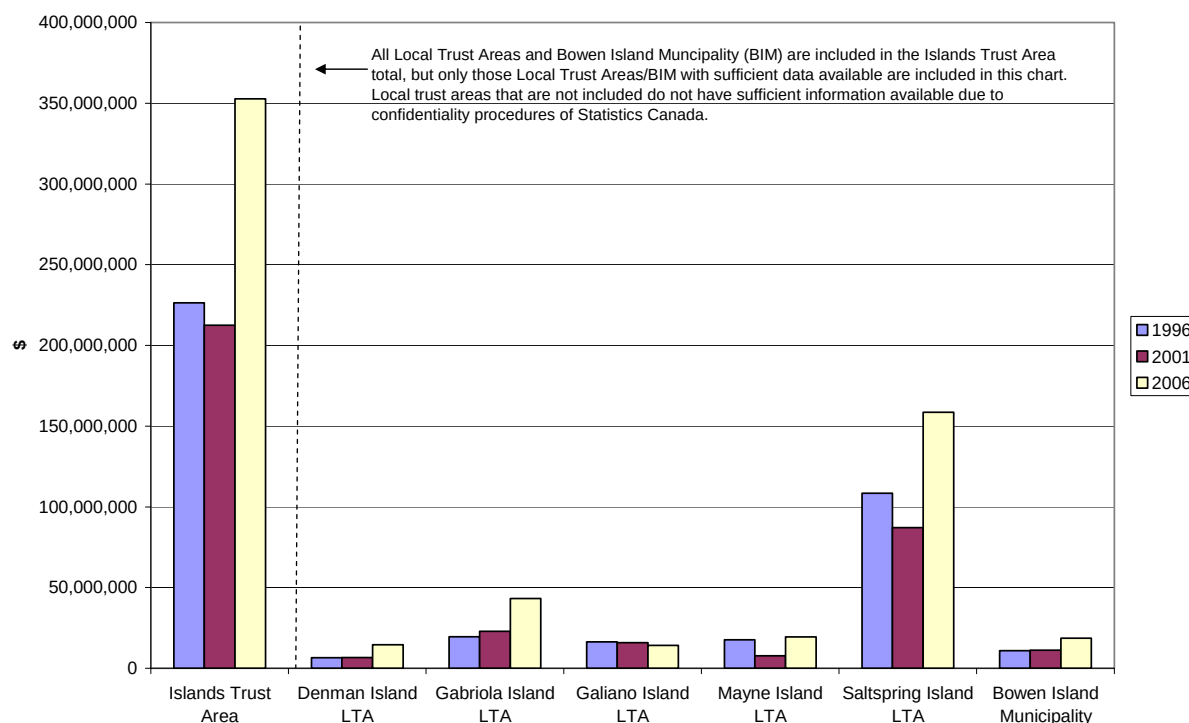


Economics

Charts 8 through 10 paint the economic picture of farms in the Trust Area. Chart 8, below shows an interesting trend in the increase in the market value of Trust Area farms. Between 2001-2006 the Denman Island, Mayne Island, and Hornby Island Local Trust Areas saw total farm capital more than double. It almost doubled in the Gabriola Island and Saltspring Island Local Trust Areas and in Bowen Island Municipality. The increases are primarily due to increases in the value of land and buildings. Total farm capital decreased slightly in the Galiano Island Local Trust Area. The other local trust areas do not have sufficient information available for reporting due to aforementioned confidentiality procedures of Statistics Canada.

Farm capital figures are valuable for food security discussions because they reflect the cost to enter and maybe to continue farming. If the land is too expensive, people might not be able to start farming, while existing farmers may decide to stop farming and sell off their land for other uses. It should also be noted that the values below do not account for inflation.

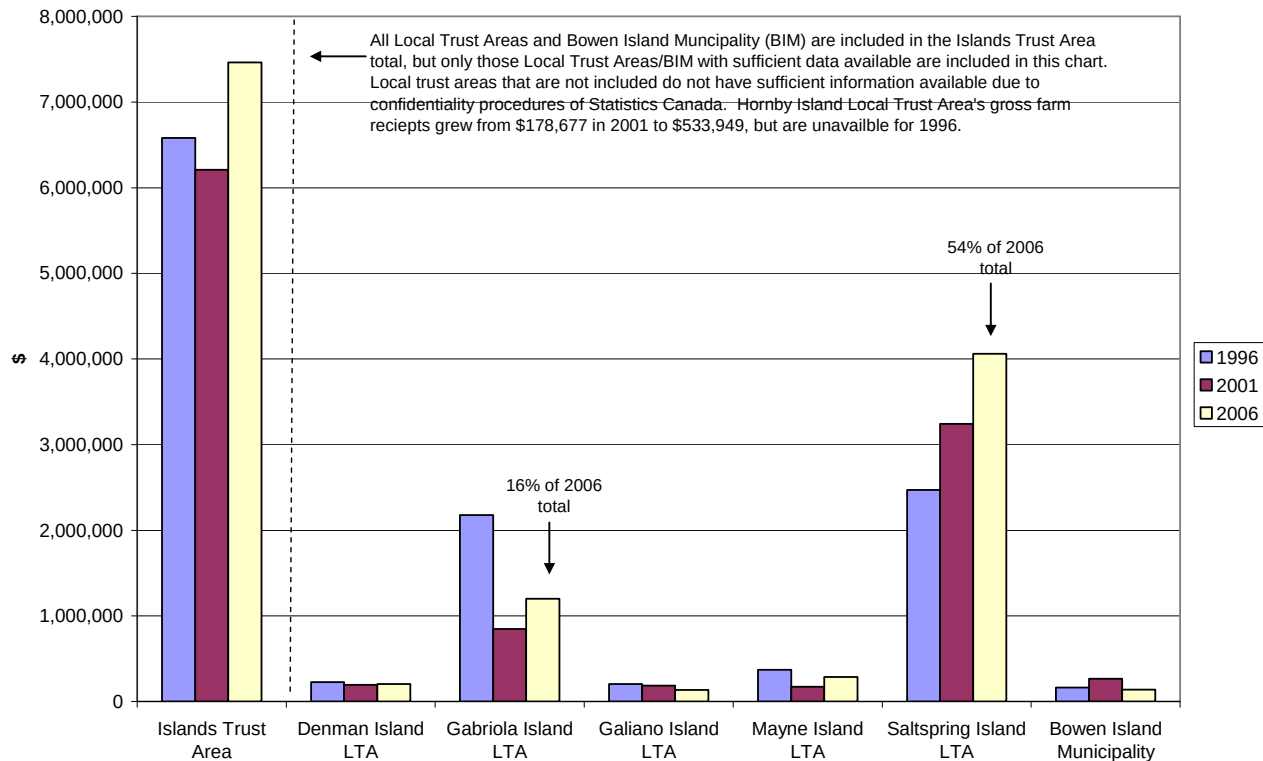
Chart 8: Farm Capital (Market Value \$) in Islands Trust Area, 1996, 2001, 2006.



Source: Adapted from Statistics Canada Census of Agriculture, 2001 and 2006 Statistics Canada, Census of Agriculture, 2006. Special Tabulation.

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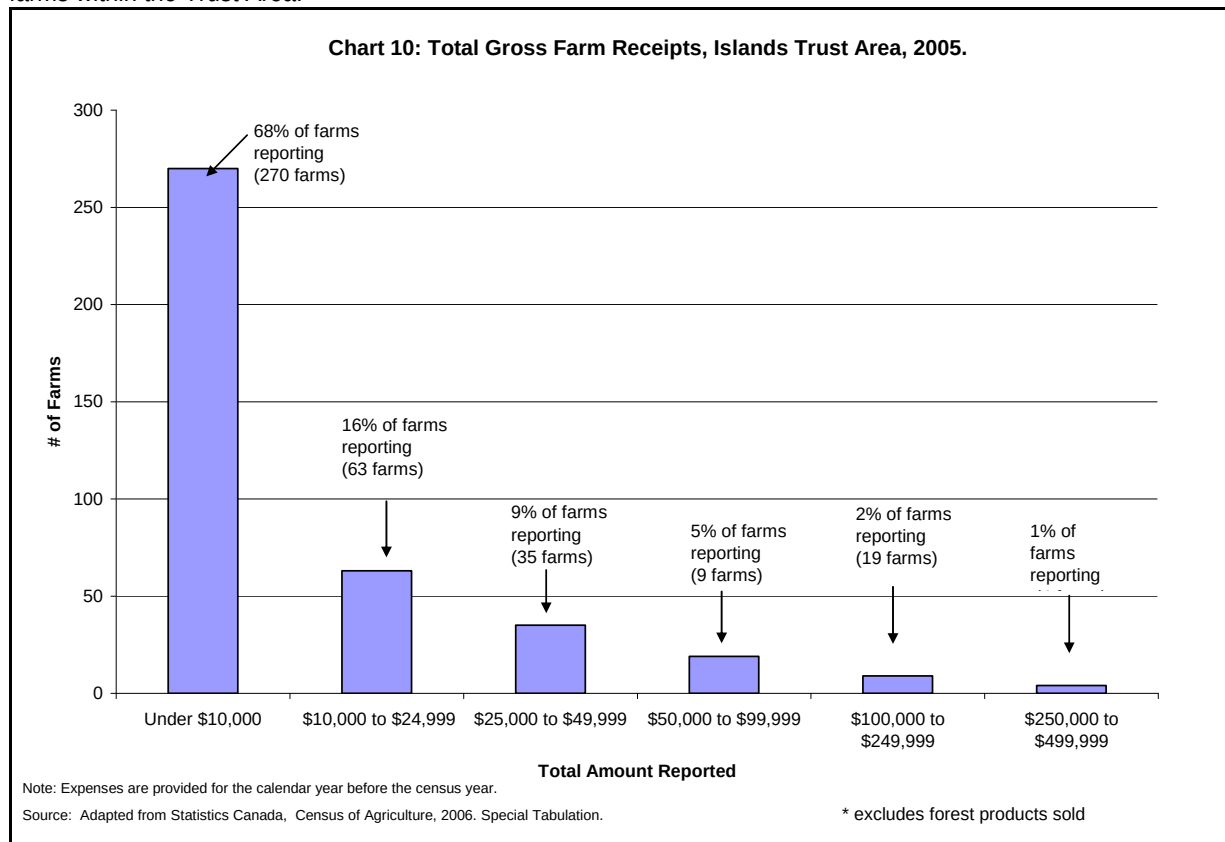
Chart 9: Total Gross Farm Receipts in Islands Trust Area, 1995, 2000, 2005.



Note: Receipts are provided for the calendar year before the census year.

Source: Adapted from Statistics Canada Census of Agriculture, 1996, 2001, and Statistics Canada, Census of Agriculture, 2006. Special Tabulation.

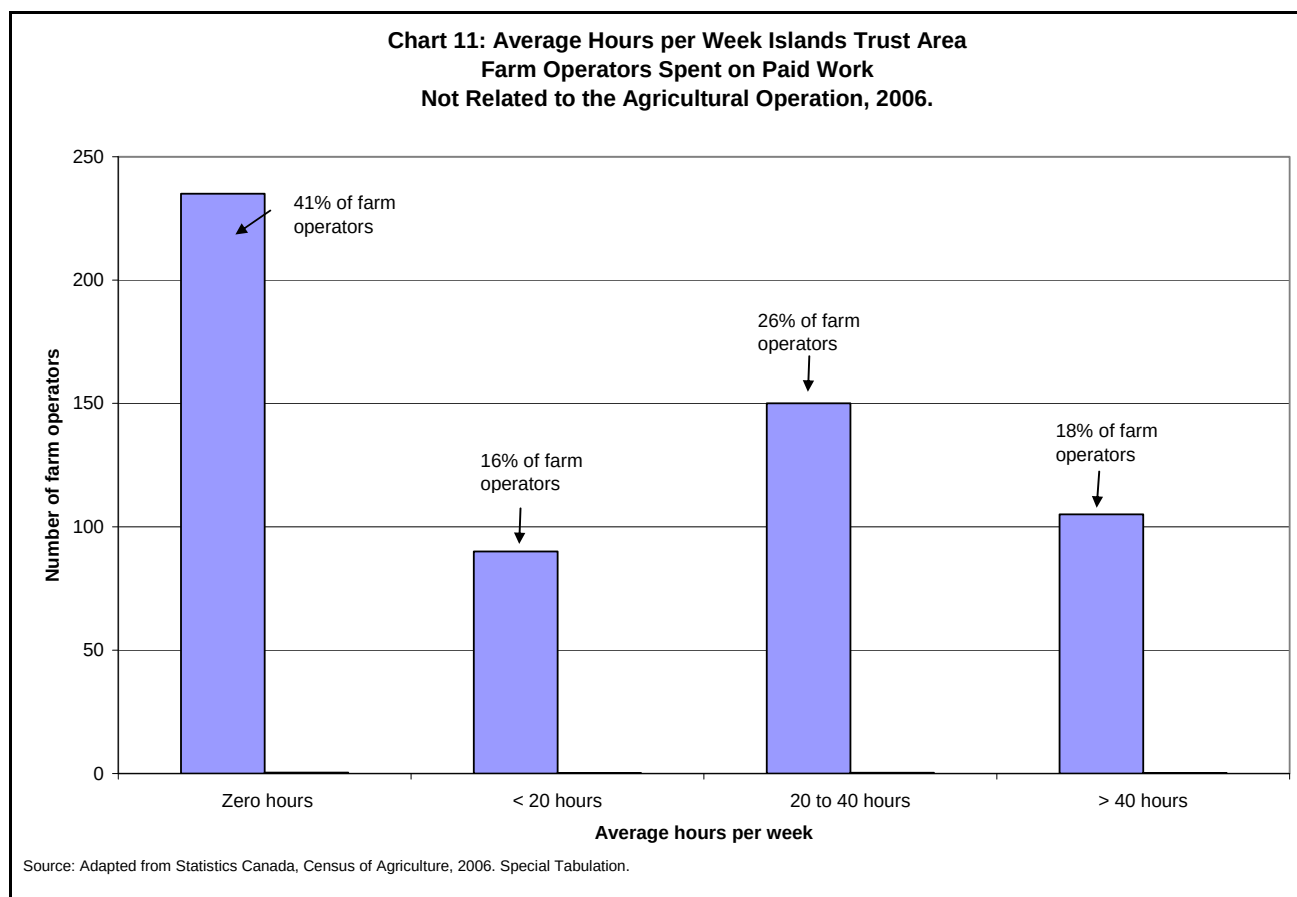
There were four farms reporting the highest gross farm receipts (\$250,000 to \$499,999): three were in the Salt Spring Island LTA and one was in the Gabriola LTA. Chart 11 below also illustrates the large number of “hobby” farms within the Trust Area.



Work

Chart 11 below paints an interesting picture with regard to the number of Trust Area farm operators who spend time working at off-farm employment. While the Census data does not provide reasons for these figures, several factors could be at play including the size of the operation, the economics associated with the operation, the type of operation (e.g. “hobby” farm) and whether or not the farm operator is a retiree.

In addition to Chart 11, the time Trust Area farmers spent on agricultural operation activities was also reported. In 2006, 45% of farm operators spent less than 20 hours/ week on farm activities, 33% of farm operators spent 20-40 hours/ week on farm activities and, 24% of farm operators spent over 40 hours/ week on farm activities. In addition, 95 (24%) of the 400 farms in the Trust Area provided seasonal or temporary paid employment in 2006.



Leading the Way: Community Food Initiatives

The statistics provided above only represent one portion of the food security picture in the Trust Area. There are a number of community initiatives, some new, and others as old as farming in the Gulf, that are playing the integral role of connecting producers and consumers via education, partnerships, land acquisition, advocacy and celebration. Many of these groups are also key in gathering vital local information regarding how much food is being produced, how it is being processed and accessed and by whom. This information fills in many of the gaps in the Census information and can play important roles in community visioning, long term planning and the achievement of desired food security goals. Table 4 below gives an overview of the community food initiatives currently operation within the Trust Area. These groups are important sources of local knowledge and Trustees may wish to explore partnerships with these organizations in order to plan for food security.

It must also be noted that emergency food access depots such as food banks exist on several islands, as do free meal events for all members of the community. The information collected by the groups in Table 4 will also help identify a community need for such services and ensure that good food can be accessed by all residents of the Trust Area. This is where food security through hunger alleviation comes in to play.

Table 4: Trust Area Community Food Initiatives

Island	Group + Contact	Description
North and South Pender*	Pender Organic Community Garden Society www.penderislandweb.com/garden Pender Island Farmers' Institute www.pifi.ca Pender Island Community Farmland Acquisition Project Society Penderislandweb.com	Building community garden space through individual plots, shared plots, and community supported agriculture. The project aims to enhance food security, reduce climate change impacts, provide affordable and nutritious food, and foster sense of community. The Pender Islands Farmers' Institute's objectives are: To improve conditions of rural life, to promote the theory and practice of agriculture and horticulture, to arrange on behalf of members for the purchase or sale of commodities, and to promote home economics, public health, child welfare, education and better schools. "The Farmland Project" - The purpose of The Farmland Project is to acquire and maintain farmland on Pender Island to be held in perpetuity for the benefit of the community to provide for: Sustainable agriculture and enhanced local food security Preservation of the unique ecological features of the land Education and research Other community-centered uses of the land consistent with the objectives of sustainable agriculture, environmental protection and community benefit.
Mayne*	Mayne Island Agricultural Society Island Sustainability Initiative (ISUNI) sustainmayne.org	Has a goal to increase emphasis on local farming activities and the local farmers market. Created in 2006 in response to the impending climate changes and the increasing vulnerability of food supplies. Since that time this group has organized eight community dinners with guest speakers on food ways and food security. In September 2009 a two-day Good Life Festival was held on Mayne with representatives and guests from six other islands. And a 10 Kilometer Dinner demonstrated the ability to create a meal composed of 100% local produce.
Saturna	31 Square Saturna Eats www.31square.com	31 Square Saturna Eats is Saturna Island's food network – a community information exchange that inspires events, projects and promotions about local and regional food.
Galiano*	Galiano Community Food Program www.galianoclub.org Galiano Food Forever	The Galiano Club has received funding from VanCity, the Vancouver Foundation, and the Victoria Foundation to hire volunteer coordinators for various community food programs. The Vancouver Island Health Authority currently is funding a project focused on gleanings teams, establishing a Farmers' Institution, developing a meals program and hosting an all Islands Food Security Conference. Food Forever is a component of the Galiano Food Program that brings together seniors and school age children to learn more about the local wild foods, to cook with local foods and to learn computer skills. This includes cooking, foraging, growing, preserving and writing about these subjects.

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Salt Spring*	Salt Spring Island Natural Growers (ING) Larry Starke: 250 537 5511 The Salt Spring Island Agricultural Alliance Anne Macey Island Farmers Institute www.ssifi.org Salt Spring Sanctuary Society www.seedsanctuary.com Salt Springers for Safe Food Saltspringersforsafefood.com	An association of organic growers that also provides community education in sustainable agriculture. A key recommendation of the SSI Local Area Farm Plan, the Alliance supports local food production and distribution by linking growers, producers, retailers and consumers. Members organizations of the SSI Agricultural Alliance are: Salt Spring Island Farmers' Institute, Island Natural Growers- the Gulf Islands Chapter of Canadian Organic Growers, Salt Springers for Safe Food, SSI Earth Festival Society, SSI Chamber of Commerce, SSI Food Security Initiative. The mandate of the SSI Agricultural Alliance is to facilitate the implementation of the SSI Area Farm Plan. A 110-year old organization that supports farmers in their quest for sustainability and encourages the preservation and development of agriculture on Salt Spring Island through advocacy and education. A charitable organization dedicated to the health and vitality of the earth through the preservation and promotion of heritage seeds. The organization is a learning centre and network committed to maintaining, evaluating and keeping records for all edible, medicinal and useful crops that can be grown in Canada. A grassroots, non profit group concerned about issues affecting both Food Safety and Food Security. Founded in 1998, Salt Springers for Safe Food brings attention to and lobbies against genetic engineering of foods. We address the need for a GE-FREE growing zone on the island, the need for labeling of food products containing GE ingredients and the need to educate ourselves and others regarding the unknown and potential risks of GE foods.
Gabriola*	Gabriolans for Local Food Choices www.gabriolafoodchoices.org Agriculture Hall Association Gabriola Commons www.gabriolacommons.org	Mandate to: bring local food issues into focus; encourage local food production and the sale and consumption of locally grown food; encourage community fiscal health through locally grown food; honour the cultural function of food in our celebration of health and life; educate ourselves through an awareness of broad food security issues; earn how food and agricultural regulations affect us; and, encourage sound and just practices that support our mandate. Management of Agi Hall, bookings, events Includes a farm management team and permaculture and community garden groups.
Gambier		
Thetis*	Three farms identified in draft community profile:: Dragon Rock Farm Howling Wolf Market	Draft community profile indicates that local food can be purchased at certain times of the year, and that many residents grow some food on their property. Some lands in the south central part of the island are designated ALR and zoned Agricultural. The draft community profile also states that there is

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	Lawrence Spring Farm	the possibility for more farming to occur on Thetis.
Denman	SPUDS, Denman Island www.wearespuds.blogspot.com Denman Island Vegan Culture Association Veganculture.blogspot.com Hornby and Denman Growers and Producers Alliance	Local food growing initiative Promotes vegan-organics (also called stock-free farming), a system which avoids all artificial chemical products (synthetic fertilizer, pesticides, growth regulators), genetically modified organisms, animal manures and slaughterhouse by-products (blood, fish meal, bone meal, etc). New organization to support the growing and processing of local agricultural products.
Hornby*	Crop Circle Hornby and Denman Growers and Producers Alliance	A discussion group working to strengthen local food security. Projects include promotion of "100 kilometre" dinners and a 10-acre community garden project. New organization the support the growing and processing of local agricultural products.
Bowen	Bowen Agricultural Alliance www.bowenagalliance.ca into@bowenagalliance.ca Bowfeast	A network to promote and facilitate the development of local food systems, agricultural knowledge-sharing and community building. Hosting of food and agriculture workshops in November 2009. An annual local food festival which takes place in August.
Lasqueti*	Lasqueti Potato Co-op Jen Gobby: jengobby@hotmail.com Lasqueti Saturday Market Association Peter Johnston: pjohnston@lasqueti.net	Inspired by similar groups on Cortes and Denman, members cooperatively grow organic potatoes on borrowed land to encourage local food security and community collaboration. Organizing and promoting weekly farmers market to support local food security and local economy.

* Indicates Islands with Farmers Market

Areas to Grow: Policy Themes

As Part 2 of this report outlined, when exploring the issue of local food systems and food security, many common policy themes tend to recur at the global, national and local levels. The themes identified in the Trust Area are not different from those identified provincially or even globally; however, it is the means and tools used to address these that will be unique to the Trust and to each Local Trust Area (LTA). The Trust finds itself in a fortunate position in addressing these main areas due to its rich agricultural history, its mandate and the passionate and involved residents who have been working to address these themes for years.

Policy Themes:

- **Agricultural land:** maintaining agricultural land tenure, ensuring affordable land for farmers, increasing farmland acquisition and additions to the ALR, mitigating tension between ecological and farmscape services (e.g. maintaining trees cover)
- **Housing:** affordable and adequate housing for multiple farming families and farm workers
- **Water:** sustainable use of limited water resources, mitigation of conflict
- **Wild Foods/ Lands:** First Nations food sovereignty, supporting/ protecting ecosystems that support wild foods (including fish and shellfish), mitigating any conflict between “wild” and “working” landscapes
- **Food Processing:** local community processing facilities for value-added products (including meat)
- **Distribution and Direct Marketing:** support for alternative distribution models and food access structures (farmers markets, food box pick-up/ delivery, local country grocers, more locally produced food in larger on-island grocery stores, farm-to-restaurant/ farm-to-school connections)
- **Access:** hunger alleviation services, community food depots, community kitchens, skills training and job creation.
- **Education:** agri-tourism, farm tours, farm apprenticeships, farm-to-school education, food events and information sharing.
- **Community Farming:** community gardens, school and seniors-friendly gardens, community farms, rooftop gardens and gardens for multi-family and affordable housing.
- **Waste Management:** nutrient cycling, composting, gleaning, reducing food waste and GHG emissions associated with food.

Tools to address these policy themes will be further explored in Parts 4-5 of this report. Part 6 will present these themes in a format that will open up the conversation about Trust-wide and Island-specific actions that can begin to develop.

Part 4: Local Trust Committee Support for Local Food Security

4.1 Current Policies and Actions

Given the rich and diverse history of food production and the ever growing popularity of the gulf islands special “brand” of local food, it is no surprise that provisions for food security and food sovereignty have been built into many of the documents and that guide our community visions, our land use planning and our advocacy and outreach. The Trust Area provides a unique setting for progressive food policy enactment due to the fact that it is both near and far from the pressures of urban development and expansion. The rural character of the islands has ensured that whether or not it is under the banners of food security, food sovereignty or sustainability, agriculture and support for local foods is inherent to how we plan the future of our Islands.

The following sections will give brief overviews of the various documents and regulations already employed by the Islands Trust to guide food production and access in the Trust Area. These inclusions are meant to demonstrate how food and agriculture are currently represented in broad island-wide statements and more specific regulations

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alike. In addition, this section will also begin to identify how food can be further incorporated into Trust actions and policies; where there are gaps and where opportunity may lie.

Islands Trust Policy Statement

Several sections within the Policy Statement outline Trust commitment and policy towards food security, especially local food production, wild harvesting and connections between agriculture and ecosystems. A full excerpt of the relevant Policy Statement references to food security is provided in Appendix B.

Some food security highlights of the Policy Statement include the encouragement of:

- small-scale sustainable farming
- protection of shellfish harvesting grounds,
- efficient use of freshwater and freshwater conservation
- the protection of ecosystems and their inherent natural processes

The Policy Statement begins to connect the dots between a healthy ecosystem, a healthy local food system and healthy communities. It is the hope that this new conversation about Trust Area food policy will further contribute to breadth and depth of how the Policy Statement regards food.

Trust Council Strategic Plan

The 2008/11 Trust Council strategic plan includes strategies, actions and indicators relating to food security within Goal #3 of the Plan: "Sustain Island Character and Healthy Communities". Food security strategies are housed within the Objective: "To support socio-economic diversity of island communities". The inclusion of food and food security in Trust Council's strategic plan demonstrates a serious commitment to this topic and its location within Goal #3 further exemplifies an understanding of the multi-disciplinary nature of food and a vision for local food security that strives to include all sectors of the food system.

Table 5: Excerpt from Trust Council 2008/11 Strategic Goals

STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?		IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
	<u>FY 2011/12</u> Measure and report on island housing affordability	TAS	LPS	TBD	TBD	Completed for SSI&GB May be included in indicators program
Support local food security	<u>FY 2009/2010</u> Support public education by creating IT resource webpage (e.g. with SSI area farm plan) and encouraging community gardens	TAS	LPS	Funded by base budget	By whether IT resource webpage with food security links have been created	Webpage now live. UBCM funding approved for seniors' community garden project
	<u>FY 2009/2010</u> Provide trustees with current BC documents about local government's role in food security	TAS		Funded by base budget	By whether relevant documents have been provided to trustees	One toolkit circulated Further documents being collated in preparation for September workshop
	<u>FY 2010/2011</u> Support completion of a second area farm plan (Denman)	LTC		Funded by 10/11 programs budget	By whether a second area farm plan is started	Started
	<u>FY 2010/2011</u> Trust Council workshop about local government role in food security	TPC	LPC	Funded by base budget	By whether a workshop has been held	Scheduled for Sept 2010
Include new policies and regulations about food security in OCPs and LUBs as they are reviewed	<u>FY 2009/10 & 2010/11</u> Reviews underway on selected islands	LTC		Funded by 09/10 programs budget	By the number of LTCs/IMs with new policies and regulations related to food security	Food security toolkit in preparation OCP/LUB reviews started

Official Community Plans

Each Official Community Plan (OCP) in the Trust Area includes provisions for food security, often expressed as policies that support and protect the Right to Farm by encouraging local food production, that consider zoning changes that will enhance farm operations (e.g. agri-tourism) and mitigate negative effects on farmland and, that encourage partnerships with the farming community, senior government, NGOs and private enterprise to promote development of the agricultural sector. OCPs also tend to include policy pertaining to the protection of shellfish areas and may also speak to the preservation of wild lands in conjunction with farmlands in order to create supportive ecological networks.

While a complete review of all Trust Area OCPs is beyond the scope of this report, many Islands within the Trust possess strong examples of the types of concepts and wording that are supportive of food security and strong local food systems. Appendix C contains excerpts from the North Pender OCP that Trustees may find informative and helpful.

Land Use Bylaws

A brief scan of the various Land Use Bylaws (LUBs) in the Trust Area revealed a number of themes, commonalities and differences from one LTA to the next with respect to zoning regulations that support local food systems and food security. Agriculture zones in each LUB were scanned for any land use regulations pertaining to the following themes:

- Additional housing permitted (despite minimum lot size)
- Larger agricultural accessory buildings permitted
- Community farming/ gardening activities specifically permitted
- Agri-tourism/ accommodation (specifically named) permitted
- Farmers markets/ off-site sales (specifically named)
- Agricultural activities (including shellfish harvesting) specifically permitted in other zones
- Food processing (other than a permitted home occupation) explicitly permitted

Table 6 gives an indication of whether or not these themes are addressed in Trust LUBs. In addition, there were several common regulations found in almost every LUB scanned. These included increased setbacks for agricultural activities, minimum areas for raising domestic farm animals, and strict regulation and/ or prohibition of keeping pigs and/or manure-based mushroom growing.

Table 6 is meant to serve as a loose indicator of where LUB language may or may not explicitly support food security actions. It is by no means complete, and it is understood that simply because an action may not be explicitly permitted in an LUB (e.g. community gardens), does not preclude it from occurring on an island.

Table 6: Scan of Trust Area Land Use Bylaws and their Provisions for Food Security (Agriculturally zoned land only)

Island	Additional Housing Permitted (despite min lot size)	Larger Accessory Buildings Permitted	Community Farming/ Gardening	Agri-tourism Accommodation	Farmers Markets/ Off-site sales	Agriculture Permitted in other Zones	Food Processing (Not Home Occupation)
Bowen						X	
Denman		X		X	X		
Executive	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Gabriola			X		X	X	X
Galiano		X				X	
Gambier	X (0.4 ha)	X				X	
Hornby	X	X	X (public use zone)	X	X	X	X
Lasqueti	X (transient workers)			X		X	
Mayne	X	X		X (C5)	X (W3, W4-fish and seafood sales)	X	
North Pender		X		X		X	
Saturna	X (in primary residence or cottage only)	X		X (F2- Farm Retreat)	X (Rural Agricultural Sales (RAS) Zone)	X (min lot size in non-farmland zones)	
Salt Spring	X (20+ ha with ALC permission)	X		X	X (A1(a))	X	X (on another farm with ALC approval)
South Pender	X	X				X	
Thetis	X					X (C-2, Rec commercial zone) Also, in W-5 water zone use restricted to bottom culture mariculture, no buildings or structures permitted)	

Proposed GHG emissions reductions strategies

Recent OCP amendments pertaining to greenhouse gas (GHG) emissions reduction legislation (Bill 27) have included language that acknowledges local food as a means of reducing a community's carbon emissions.

Suggested policies for LTCs to consider have included:

- Identifying suitable sites for local food processing.
- Reviewing/ amending existing policies and zoning regulations to ensure that they do not discourage local food production, processing, and distribution.
- Supporting and encouraging creation of community gardens, backyard gardens, and farmers markets.
- Supporting recycling and composting.

These speak to the idea that locally and sustainably produced, processed and distributed foods require less fuel in their growth (fewer inputs) and their transportation. See Part 2 of this report for a further exploration of GHG emissions and our food.

Sensitive and Important Ecosystems

The Sensitive Ecosystems Mapping (SEM) project identified special places of ecological significance in the Trust Area. This information can be used to ensure that the wild lands integral to supporting sustainable farming systems are properly protected and their many benefits understood. This work is also significant in identifying and protecting areas where wild foods might be abundant for traditional harvesting. Identifying where agriculture and ecosystems intersect can also help residents understand the complex interplay between natural and farmed landscapes and the valuable habitat that these types of "edge" communities provide of a variety of wildlife. Excellent examples of this are areas where wetland and farmland overlap, or where farmland becomes flooded during a portion of the year. These grounds provide vital habitat for migrating birds, but also breeding grounds for insects and animals beneficial to ecological farm systems.

Area Farm Plans

In 2008, after two years of extensive consultation and research, Salt Spring Island became the first island in the Trust Area to complete an Area Farm Plan. The planning process included the gathering of important local information; the identification of challenges to and opportunities for local agriculture; the establishment of a guiding vision for agriculture on the Island and; the development of action oriented strategies and recommendations. One of the purposes of the Plan was to inform the agricultural considerations of the OCP review process.

In all, the plan identified 7 key issues pertaining to agriculture on Salt Spring Island and made 25 recommendations (3 of which were key recommendations), each containing specific actions and desired outcomes. This type of plan not only provides a clear vision for how a community desires to achieve its own food security, but it serves as a venue for multi-disciplinary information sharing and collaboration; again, speaking to the ability of food to unite many perspectives under a common banner.

In early 2010, Denman Island embarked on its Area Farm Plan, another indication of the growing support and interest of the Trust community for food and food security issues.

4.2 Challenges for Local Government – Using Advocacy and Information

The multi-faceted nature of food provides local governments with many opportunities to facilitate on-the-ground change, yet it also presents many complex challenges. Food issues span a variety of realms; realms over which a local government may have no jurisdiction, or realms that may be in conflict with each other (e.g. the

“agriculturalists” vs. the “environmentalists”). There are many Provincial and Federal regulations, taxes, and trade agreements governing every aspect of the food system at a high level. Local residents may feel frustrated by such barriers and expect an LTC to initiate change in a realm out of Islands Trust jurisdiction. This is where advocacy and information can have important roles.

Information

Once one begins to delve into the world of food, it quickly becomes apparent that the wealth of information and resources is overwhelming. Below are a few tips that Trustees can use to find the most appropriate types of information.

- **Keep informed about what is happening in the Regional District.** Regional Growth Strategies are increasingly incorporating food as part of sustainability plans. Staying informed via listserve and websites might help gain a broader perspective of the more pressing issues in region and provide some clarity on how solutions can be created at the local level. Regional districts and associated bodies also have many excellent local, provincial and Federal resources available to the public and may have a variety of local best practices to draw from and share.
- **Look to the Local.** The Trust Area is filled with community groups devoted to local food and food security issues. Establishing contact with a local food group will not only ensure that the most pressing local issues are understood, but that these are addressed with local and innovative solutions truly reflective of unique island communities.
- **Regional Agrologist, Strengthening Farming Branch and the ALC toolkit.** Get to know your Regional Agrologist and keep an eye on the Ministry of Agriculture and Lands Strengthening Farming Branch website (<http://www.agf.gov.bc.ca/resmgmt/sf/>) for updated policy and regulations as well as information about how to plan for agriculture. The Agricultural Land Commission (ALC) toolkit also provides some key information and resources for local government with regards to planning in the ALR. It can be accessed at www.alc.gov.bc.ca/publications/Community_Planning_Guidelinescolour.pdf.
- **Islands Trust Food Security Webpage.** Launched in March of 2010, the Islands Trust food security webpage serves as an information hub linking local, regional and provincial food programs and providing relevant information. It also focuses heavily on Trust Area food initiatives and projects, providing updates, links and contacts for initiatives in each LTA.

Advocacy

The Islands Trust Council has a long history of advocating for resilient local food systems. A scan of Trust Council minutes from 1976 to the present revealed that Council has been involved with food issues almost since its inception.

Over the past ten years, Trust Council has had at least twenty delegations/town hall presentations related to food production. Of these, twelve were focused on aquaculture. Other topics presented by delegates included: farmland acquisition efforts; general support for agriculture; the need to promote stewardship in farming; the need to sustain farmland; risks posed to sensitive island environments by escaped game farm animals; and risks of genetically engineered crops.

Since 1985, Trust Council has had many discussions and presentations concerning aquaculture in general and specific aquaculture projects. A summary timeline of Trust Council discussion, resolutions and activities related to food and agriculture is included in Appendix D. In addition to this, and for brevity's sake, only a few of Trust Council's many, many aquaculture discussions and decisions are noted below. Most of the aquaculture discussions and decisions focus on the impact of intensive aquaculture on the environment rather than the food potential; however these are very much interrelated. Key past Trust Council resolutions on the topic of aquaculture include: FC 288/91, FC 238/94, FC 46/95, TC 180/02, TC 148/03, TC 147/03 TC 146/03, TC 146/06 and TC 158/06. Prior to 1991 the Islands Trust had produced an Islands Trust Aquaculture Position Paper (no. 4).

Currently, Trust Council has the following agreements in place related to food security:

1. Letter of Understanding on Agricultural Land Reserve in the Trust Area between Provincial Agricultural Land Commission and the Islands Trust, February, 1996,
2. Protocol Agreement on Aquaculture Uses in the Islands Trust Area between the Provincial Ministry of Agriculture, Fisheries and Food and the Islands Trust, March, 1997.
3. Protocol Agreement on Agricultural Land Reserve in the Trust Area between Provincial Agricultural Land Commission and the Islands Trust, June 11, 2004.

Advocacy can take many forms, from writing letters to ministerial representatives and meeting with other levels of government to facilitating community visioning (see Part 5.1 “Visioning and Information gathering”) via events, education and outreach. Harnessing the wealth of local knowledge and action to create a local food vision that a whole community can get behind not only creates a sense of belonging and cohesion, but also serves as a beacon for others. Partnering with the many food organizations in the Trust Area can only enrich Trust actions and keep them rooted firmly in community.

Part 5: Creative Food Planning- Supportive Tools for Local Government

“family” means:

- (a) two or more persons related by blood marriage adoption or foster parenthood sharing one dwelling; or
- (b) not more than five unrelated persons sharing one dwelling;

-Gabriola Island Official Community Plan⁷³

It's not everyday that one finds inspiration in the definition section of a zoning bylaw. However, the secondary definition of “family” provides just that when applied to a current food security context. It speaks to how local governments must be ready to re-vision and re-define traditional notions about how food is grown, who gets to grow food, where and why.

In the past, several generations of family members farmed the same piece of land, often at the same time while living under a common roof. That type of lifestyle is all but gone in modern North America; however, the need for many people to work a piece of land is still very real, especially on smaller-scale farms. While land use regulations might support the construction of additional housing or the subdivision of agricultural land for a family member, the notion of farming families; people related only by a desire to live on and farm a common piece of land, is all but ignored as a valid reason to allow for additional housing on farmland. What the alternative definition of “family” recognizes is the fact that *people* who want to farm together may not be related, but are indeed living a traditional farming lifestyle and thus should be considered for the same benefits as a traditional farm family.

This may seem like a small change, but it is one that could have numerous beneficial impacts on a small-scale farm in the Trust Area, and it is just one example of how local governments can include food-focused language in their OCPs and regulations. As discussed in Part 2, the local food system is one that employs many alternatives.

⁷³ Gabriola Island Official Community Plan, Bylaw No. 166, 1997. Consolidated January 2009.

Local government can foster these alternate food systems by using new and traditional policy and planning tools to scope a vision for a community's food future and then support it.

The following section presents several different policy and planning tools that local governments can use or modify to not only strengthen their current support for local food systems, but as different means of formulating and then communicating that vision. The examples given here are merely a brief overview of some key tools that can be used. Certain tools are sure to be better suited for certain Islands. The idea is to build upon existing foundations and use the ideas presented below in conjunction with each other. The information presented below was gleaned mostly from two key documents. Both these resources provide excellent information that Trustees may wish to explore further:

- *Protecting the Working Landscape of Agriculture: Smart Growth Direction for Municipalities in British Columbia*. West Coast Environmental Law. www.wcel.org
- *BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production*. The Land Conservancy of BC. <http://www.communityfarms.ca/resources/toolKit.shtml>.

5.1 Visioning & Information Gathering

Food Charters

Food charters present an overall vision of how a community wishes to prioritize their local food system taking a holistic, system-wide approach. Food charters often comprise of an overarching vision statement, several key principles and objectives, as well as a list of actions to enable the achievement of objectives and goals set forth in the community food vision. Food charters can take on many different forms, levels of details and can represent a single village, region or province. While a food charter is a non-binding document, it is achieved through a highly collaborative multi-stakeholder process that requires a high degree of ownership and the ability to see many perspectives of community health. The value of the process of food charter creation should not be underestimated, and is as important as the final document itself.

Several communities in BC have created and endorsed their own food charters, and a proposed food charter for Gabriola Island has been developed. Examples of food charters are included in Appendix E. Below, an excerpt from the Kaslo food charter is provided to give an example of the wording and language employed in this type of document:

The Village of Kaslo supports our national commitment to food security, and the following values:

- *Every Kaslo resident should have access to an adequate supply of nutritious, affordable and culturally-appropriate food.*
- *Food security contributes to the health and well-being of residents while reducing their need for medical care.*
- *Food is central to Kaslo's economy, and the commitment to food security can strengthen the food sector's growth and development.*
- *Food brings people together in celebrations of community and diversity and is an important part of the village's culture.*
- *A healthy foodshed in Kaslo relies on an amalgamated North Kootenay Lake food system⁷⁴.*

In the Trust Area, Islands may wish to develop their own food charters, and LTCs can certainly play an important role in this. A food specific section in the Trust Policy Statement may also be an appropriate venue for housing a

⁷⁴ Provincial Health services Authority. A Seat at the Table: Resource guide for local governments to promote food secure communities. June 2008. www.phsa.ca/HealthPro/PopPubHelath/default.htm

Trust-wide vision for food and could be independent or work in conjunction with Island-specific food charters as they develop.

Food charters can play an important role in establishing an action framework for sustainable food production systems and can recommend the formation of, or work in conjunction with: Food Systems Assessments, Food Policy Councils, Agricultural Advisory Committees and Area Farm Plan; all which will be briefly discussed below.

Food System Assessments

A Food System Assessment paints a picture of the current state of food within a given community. Its general purpose is to compile baseline information related to local food production, distribution, access and consumption⁷⁵. Like a food charter, the scope of this assessment is often shaped by the community and local decision makers based on community need, priorities, challenges and opportunities. A food system assessment can provide:

- An in-depth understanding of how the different components of the community's food system interact to contribute to health and well-being.
- Data and statistics to help set local food priorities, goals and inform policies.
- Monitoring frameworks and indicators for long-term sustainability.
- The means of connecting various partner groups and fostering community awareness.
- Information for funders who are increasingly requiring evidence-based research to substantiate proposal requests.

To date, there is no record of any food system assessment in the Trust Area. Livestock and produce studies have recently been conducted on Salt Spring Island; however, there has yet to be the completion of a full system review linking producers with access, distribution and health. The Trust may wish to pursue the study and gathering of this type of information given the vital role that local agriculture plays in Island economics, ecology and health.

Agricultural Advisory Committees

Agricultural advisory committees maintain communication between the agriculture/ food community and local government to ensure that food and farming issues are considered in local decision-making. These committees are appointed by local government and often comprise of representatives from various sectors of the food system and may include local experts, concerned residents, government representatives and members of non-profit organizations.

Several agriculture advisory committees exist in the Trust Area, some as standing committees and others assembled for larger planning projects such as OCP/ LUB reviews. LTCs may wish to adopt a standing agricultural advisory committee, or the Trust may wish to form a Trust-wide committee to ensure that the voice of local food is always at the table.

Food Policy Councils

A food policy council (FPC) consists of a group of representatives from the main sectors of the food system as well as members of anti-hunger groups, residents, chefs, grocers and farmers. An FPC's central aims are to identify and propose innovative solutions to improve local or regional food systems, conduct food systems research, and serve as a link between government agencies and the public in ensuring that food issues are considered in decision-making processes. FPCs create a venue for public discussion and events, and can serve to inform strategic plans and long-term goal setting. Because they are often initiated by government actors through executive orders, FPCs enjoy a formal relationship with local, regional or provincial officials.

⁷⁵ Ibid.

Food Policy Councils generally have four functions⁷⁶:

- To serve as forums for discussing food issues,
- To foster coordination between sectors in the food system,
- To evaluate and influence policy, and
- To launch support programs and services that address local needs.

Vancouver, Kamloops, Calgary and Toronto are among just a few Canadian cities with FPCs. Other regions (such as the Capital Regional District) may not have a formal food policy council, but may have a standing advisory committee which carries out similar functions and works toward similar goals.

5.2 Policy & Planning:

Official Community Plans

As OCPs form the basis for all land use decisions within a given community, they play a vital role in ensuring that food and agriculture are included as key considerations in determining how a community will evolve and develop. If food is a major consideration for a community, the degree of its prominence in an OCP should reflect and guide that. Examples of OCP policies that reflect the importance of the community food system include⁷⁷:

- encouraging partnerships with the agricultural community, senior governments and private enterprise to promote the development of the agricultural sector.
- recognizing and protecting the needs and activities of farm operations when considering adjacent and nearby land uses.
- restricting additional installment of sewer, water, road, and other facilities in agricultural areas to avoid encouraging non-farm development.
- purchasing policies that support sustainable and local food and other agriculture products
- providing for a full range of agricultural and complementary uses in the ALR and encouraging value-added activities that can improve farm viability .
- supporting the maintenance of ecosystems which provide for wild and/or traditional food gathering grounds.

Food related OCP policies can also be manifested via Development Permit Areas focused on protecting food and farmlands within a community. Development Permit Areas are discussed below. For further excerpts and examples of food related OCP policies, refer to Appendix F.

As mentioned in Part 4 of this report, agricultural considerations are included in each OCP within the Trust Area, some with stronger and/or more diverse guidelines than others. It must be recognized that each OCP within the Trust Area already provides an excellent basis from which to grow additional food related OCP policies. The tools mentioned in this section can help strengthen the agricultural components of an OCP while engaging the public with regards to their own vision for food in their communities. The excerpts included in Appendix F are for consideration in intent, language and appropriateness for each LTC.

Development Permit Areas

Development permit areas (DPAs) are used throughout the Trust Area to manage development in many different locations including sensitive ecosystems, in hazard areas and in commercial zones. DPAs for protection of food production could include additional buffering or separation requirements as well as guide the development of trails,

⁷⁶ Harper et al. 2009. Food Policy Councils: Lessons Learned. Food First: Institute for Food and Development Policy. Washington D.C.

⁷⁷ Curran, D. 2005. Protecting the Working Landscape of Agriculture: Smart Growth Direction for Municipalities in British Columbia. West Coast Environmental Law. www.wcel.org.

walkways and traffic near agricultural land and the amount of impervious surface near agriculture land which could lead to chemical run-off or flooding. The City of Richmond has designated all properties within 30m of ALR land as DPAs for farmland protection and sets out guidelines for buffers on adjacent non-ALR lands and safe separation of uses⁷⁸. This could also include important wild food and shellfish harvesting areas. Trustees may wish to explore the idea of expanding DPA requirements to better protect the working landscape.

Amenity Density Bonus

Section 904 of the *Local Government Act* permits the use of zoning for amenities and affordable housing; allowing governments to rezone land for higher than specified levels of density provided that certain amenity contributions are provided by the landowner⁷⁹. A set base density is defined for a given zone (e.g. 1 dwelling/ 10 hectares), and then provisions can be made for that base density to increase (e.g. 2 dwellings/ hectare) based on an amenity contribution. The general idea is to generate agricultural benefit from non-agricultural developments⁸⁰. Such amenity contributions can help achieve community food goals by contributing to community garden space, community food infrastructure (small-scale processing facilities, training facilities), farmers market infrastructure, farmland for keeping in trust or for community farming activities.

Generally set out in the OCP, amenities for bonus density can be crafted by a local government to best serve the community's food priorities and long term plans. The Salt Spring Island OCP includes a provision for food-specific amenity contributions in Appendix 3 item H.3.2.1(e)⁸¹:

The Local Trust Committee could consider Amenity Zoning applications that would provide the following eligible community amenities:

(e) land for community-owned farmland or land for community agricultural processing or storage facilities provided to the Salt Spring Farmers' Institute or a community farmland trust organization.

In addition, the Langford OCP also includes policies to include food growing opportunities as density amenities via Objective 11.1 of the OCP "Promote and support community agriculture activities"⁸²:

Policy 11.1.1 Amend bylaws to allow density bonusing for inclusion of community gardens in new residential development.

Policy 11.1.10 Allow density bonusing in exchange for green roofs on multi-family, commercial and/or institutional buildings that can facilitate food growing or gardening.

Amenity density bonus is not regularly used on most Islands in the Trust Area; however the concept may prove useful in effectively extracting the agricultural value from land that otherwise could never produce food.

Edge Planning Areas

Edge planning areas may be used to protect agricultural land from adjacent non-farm uses as well as mitigate any potential conflict between land uses. This type of planning requires partnerships between different levels of government and the agricultural community. Edge planning areas are increasingly being referred to as a 600m strip on either side of the agricultural/ non-agricultural boundary. This area can be regulated through zoning, development permits, subdivision and covenants. Edge planning areas can be tailored to the special requirements

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Salt Spring Island Official Community Plan, Bylaw No. 434, 2008. Vol 2. www.islandstrust.bc.ca/lrc/ss

⁸² City of Langford Official Community Plan, Bylaw No. 1200, 2008. www.cityoflangford.ca.

of each site and can also be used to mitigate specific community concerns or expand specific community opportunities.

Most land use bylaws in the Trust Area include provisions for larger setback for agricultural uses, especially for the keeping of livestock. LTCs may wish to consider adding further refinement to the notion of an agricultural setback by expanding the definition to include specific types of vegetation that may serve as sources of wild foods, or as important habitat. The notion of an edge area that is part of both properties (rather than the setback simply being the responsibility of the producer) could contribute to a deeper understanding and collaboration in the community with respect to foodlands and how our actions, both on and off agricultural property, have significant effects.

Agricultural Area Plans

Agricultural area plans (AAPs- the same mechanism as previously mentioned Area Farm Plans) establish a vision, policies and actions for supporting and promoting local agriculture and vibrant local food systems. They can apply to a municipality or regional district, serve to guide decision-making and can be used for supplemental information during OCP or bylaw processes.

The creation of an AAP is a highly collaborative and education process, often involving a wide range of stakeholders and many broad and diverse consultative methods and venues for public feedback. A local government may wish to assign staff to an AAP for implementation and maintenance⁸³. Several local governments have AAPs, and as previously discussed, the development of Salt Spring Island's Area Farm Plan in 2008, has paved the way for the use of this planning tool in other LTAs; Denman Island has embarked on its own plan and other islands may become inspired to do the same.

Zoning

In terms of on-the-ground land use actions and their ability to enhance local food systems, zoning is where many progressive regulatory changes can be made. Local governments can use zoning to help ensure that even if land is removed from the ALR, non-farm uses can still be restricted⁸⁴. In addition, zoning can restrict foreshore activities that may be harmful to local fish and shellfish stocks, as well as make provisions for the siting and use of communal food processing facilities, food depots, farmers markets, community gardens and farms, alternative farm models, education facilities, water conservation and community composting facilities, to name a few. Several examples of the creative use of zoning with respects to strengthening local food systems are included in Appendix F.

Every land use bylaw in the Trust Area contains some provisions for food-related zoning (See Part 4); however, there is much room for growth in this area. It should be noted that staff on Salt Spring Island have recently completed an initial report on regulations surrounding farm worker housing, an indication that the conversation around this barrier to local food production is gaining momentum. In addition, a proposed bylaw pertaining to site-specific zoning for the Gabriola Commons, speaks to the inclusion of community kitchen facilities and food related institutional uses as a permitted use. It is this type of progressive land use planning that allows for community food visions to become reality.

While the Trust Area LUB scan provided in Part 4 was a simple check list of where zoning is enabling local food systems, LTCs may wish to use the tools and examples included in this report to re-imagine their land use bylaws and zoning regulations through the lens of local food.

⁸³ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production

⁸⁴ Ibid.

Subdivision Regulations & Leasehold Subdivision

Subdivision of ALR and agriculturally zoned lands is strongly regulated and in many cases prohibited. In the Trust Area, ALR and agricultural land subdivision is regulated through minimum lot sizes in order to preserve the agricultural land base and ensure that fragmentation of land and subsequent non-agricultural development does not occur. While this system is favourable for protecting large pieces of agricultural land, it does not ensure land for new farmers who may want to start farming on a smaller piece of land; nor does it consider retiring farmers who may wish to see their land kept in farming by a younger farmer.

Due to the high cost of farmland, leasing land is an increasingly important option for farmers who cannot afford to buy. If a farmer wishes to lease part of a parcel for longer than three years, or with the option that the lease will extend beyond three years, the land must be subdivided⁸⁵. This system again, causes fragmentation within the agricultural land base and a greater chance that more dwellings and roads will be constructed on important agricultural land.

A leasehold subdivision can be used when a farmer wishes to lease part of their land for more than three years without subdividing it. Approval of a leasehold subdivision is only for the term of the lease and acts as a limited term subdivision; when the lease expires, the subdivision expires⁸⁶. In addition, the parcel cannot be transferred separately from the rest of the parcel. The process of approval follows a similar process as a fee-simple subdivision; however, a local government can amend its subdivision bylaw, or give direction to the approving officer not to require the same servicing requirements as a fee-simple subdivision⁸⁷. ALC approval must also be obtained.

Trustees may wish to further investigate this as an opportunity for local farmers and gauge whether there is an appetite for this type of land arrangement. There are some mixed legal opinions with regards to how this type of subdivision would function under section 73 of the *Land Title Act*.⁸⁸

Covenants

Covenants are flexible planning tools that can be used to support local food systems in a variety of manners. Covenants can be used to⁸⁹:

- secure buffer areas between farm and non-farm uses,
- protect any significant ecosystems on or adjacent to farmland property that might be beneficial to the ecology of a sustainable farming system.
- provide guidelines on sale, transfer or subdivision of farmlands or adjacent lands.
- secure desired uses on farmland related to agriculture and food production- this includes housing for farm workers and farming families and could include processing activities.

In a recent memorandum to the Salt Spring Island LTC regarding housing for farm workers, staff included an example of a seasonal covenant used by the City of Abbotsford. It is included in Appendix H. This type of covenant ensures that any additional dwellings are for seasonal farm workers only and to be used on a seasonal basis. A covenant is one tool that LTCs may wish to consider in tackling a key issue for achieving local food security. There has been past discussion around the Islands Trust Fund taking on the role of a farmland Trust and managing

⁸⁵ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production

⁸⁶ Ibid.

⁸⁷ Curran, D. 2005. Protecting the Working Landscape of Agriculture: Smart Growth Direction for Municipalities in British Columbia. West Coast Environmental Law. www.wcel.org

⁸⁸ The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production

⁸⁹ Curran, D. 2005. Protecting the Working Landscape of Agriculture: Smart Growth Direction for Municipalities in British Columbia. West Coast Environmental Law. www.wcel.org

covenants on the working landscape; however, the implications of this have never been formally studied. Part 7 of this report revisits this issue.

Part 6: Formulating Potential Policies- A Tasting Menu

Table 7 below, is where all the materials presented in this document come together to begin a conversation about food security action in the Trust Area. It is meant to serve as a framework for organizing and formulating a diverse set of solutions based upon the policy themes introduced at the end of Part 3. Table 7 is the beginning of a conversation. It is also informed by the outcomes and feedback from the September 2010 Trust Council Food Security workshop, at which a draft version of this document was presented and guest speakers further informed Trustees about food security, the strong need for Islands Trust action, and associated planning tools. Notes and outcomes from the “Dot”mocracy process by which Trustees identified priority actions for Trust Area food security are included as Appendix “I”. From the workshop, several areas and themes of priority action were identified. Some actions were duplicated within different policy themes. These were further grouped after the workshop (see Appendix I). The top listed actions are prioritized below:

1. Protect agricultural lands through Land Trust and park mechanisms (e.g. support a regional farming/ farmland trust fund, acquire crown lands for farming- See Appendix “I” for an explanation of the concept of “Agricultural Parks”)
2. Develop on-island food processing and storage facilities for local products (e.g. community kitchens, community mobile abattoirs, cold storage)
3. Reward agricultural land stewardship (e.g. creation of an award)
4. Encourage on-island composting (e.g. support communal composting facilities, educate and encourage communal composting)
5. Support small-scale farmers in proving need for worker housing
6. Study and map our agricultural lands (e.g. quantify agricultural lands in and out of the ALR, study and map farmland and potential for supporting ourselves via local food)
7. Serve as a facilitator linking consumers, producers and social organizations

These priorities as well as a host of additional policy themes and actions are included in Table 7. This framework is meant to be broad and encourage decision makers and staff to think outside of the box. This will ensure that future actions will be progressive and holistic, yet highly practical at the Island level. Feedback from the Trust Council Food Security Workshop was also incorporated into Table 7 in order to ensure that priorities and discussed actions remain at the forefront of any future policy development.

Table 7: A Tasting Menu of Potential Policies for Trust Area Agriculture

Policy Theme	Current Mechanisms	Current Guidelines	Potential Future Mechanisms	Future Guidelines
Agricultural land base: Tenure, Acquisition, Additions	OCP language supports contiguous agriculture land Zoning and subdivision- minimum lot sizes for agriculture.	Policy Statement LUB OCP	No Subdivision in ALR and/ or the agriculturally zoned properties. Subdivision only permitted once a portion of property has been leased to a farm status farm for 5 consecutive years. Leasehold subdivision (exploration required) Support a regional Farmland Trust Explore the notion of “Agricultural Parks” (see Appendix “I”) Map all farmland and potential farmland in Trust Create an agriculture stewardship award	Policy Statement TAS- Education and outreach ITF OCP LUB Partnerships- MOUs and letters of understanding
Farming families and worker housing	Limited zoning- based upon lot size rather than agricultural requirements. Some LUBs permit secondary suites for farm workers or multiple farming families.	OCP- limited LUB	Specific definitions for farm workers, farm families, farm schools, etc. Develop criteria for additional housing “necessary for farm use” appropriate for farming in Trust Area- support island farmers in proving need for housing Support a regional Farmland Trust Include farm worker housing in affordable housing strategies (e.g. density banks, density transfer).	Policy Statement TAS- Education and outreach ITF OCP LUB Partnerships- MOUs and letters of understanding

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Policy Theme	Current Mechanisms	Current Guidelines	Potential Future Mechanisms	Future Guidelines
Agricultural water use	Some zoning encourages cistern use by exempting area covered by cisterns	LUB	Encouragement of "water coops" for agricultural use Agriculture water collection infrastructure-density benefits Continuing advocacy for Provincial Groundwater regulations	TAS- Education and outreach OCP LUB
First Nations food sovereignty and wild food ecosystem protection	Zoning and policy language around shellfish habitat SEM has identified some areas of wild food (e.g. Salal)	Policy statement OCP LUB (limited)	Wording that supports wild food gathering and supporting habitats. Regulation of private docks in shellfish areas	Policy Statement ITF Partnerships (especially with local 1 st Nations and ILMB) OCP

Policy Theme	Current Mechanisms	Current Guidelines	Potential Future Mechanisms	Future Guidelines
Local processing: Commercial kitchens and meat processing	Limited zoning- new zoning under consideration	LUB	Include as a use in multi-family housing, as part of community service zoning. Zoning for abattoir or mobile abattoir uses. Zoning for community kitchens, communal storage, processing facilities	TAS- Education and outreach LUB OCP Partnerships
Local distribution and direct marketing	Some zoning for farmers markets. Encouragement of farm-direct sales (OCP)	LUB OCP	Include farmers markets, pocket markets as permitted uses in a variety of zones. Islands Trust local food procurement policy for all meetings and events Encourage farm-to-	TAS- Education and outreach Partnerships OCP LUB

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Policy Theme	Current Mechanisms	Current Guidelines	Potential Future Mechanisms	Future Guidelines
			school/ seniors centre food schemes Islands Trust to adopt a Local Food Procurement Policy	
Access: Hunger alleviation and emergency food sources	Limited- new “food depot” zoning under consideration	LUB	Include as a use under “community services” type zoning Include in OCP as a community use Include “food skills training centre” as a permitted use. Support gleaning and food recovery initiatives	TAS- Education and outreach Partnerships

Policy Theme	Current Mechanism	Current Guideline	Possible Future Mechanism	Future Guideline
Agri-tourism/ Agri-education	Permitted use in most OCPs and LUBs; wording indicates it is an on-farm B&B	OCP LUB	Further refine definition to decipher between Agri-tourism (active, educational) and B&B (passive) Agri-education as a permitted use in more zones and/ or a permitted “home occupation”	OCP LUB TAS- Education and outreach
Community farming: Yards, schools community facilities	Zoning-limited	LUB	Community garden as permitted uses in commercial/ community service zones. Creation of “agricultural” parks Gardening space included as a DP criteria for commercial development,	OCP LUB TAS- Education and outreach ITF Partnerships

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			affordable housing, multi-family housing, seniors/ special needs housing Edible landscaping as a DP requirement for vegetation screening	
Policy Theme	Current Mechanism	Current Guideline	Possible Future Mechanism	Future Guideline
Waste management and Nutrient Cycling: Composting and gleaning			Community composting facility as a permitted use. Encouragement of gleaning and supportive infrastructure for immediate processing (see Local Processing above)	OCP LUB Partnerships

Glossary of terms:

Partnerships- may include with other government bodies, with local community groups and non-profits

ITF- Islands Trust Fund

LUB- Land Use Bylaw

MOU- Memorandum of Understanding

OCP- Official Community Plan

SEM- Sensitive Ecosystems Mapping

TAS- Trust Area Service

Part 7: Next Steps + Recommendations

Food is and has been an economic, cultural and ecological force within the Trust Area for a long time. Its importance in our daily lives goes well beyond sustenance, and is reflected in Islands Trust policy, advocacy and through the many community initiatives shaping and strengthening our local food systems. Creating policies that promote food security is a progressive way to ensure sustainable long-term plans, as food is a highly engaging and multi-faceted topic. Planning for food captures the desires, goals and perspectives brought to the table by a wide range of people, and inherently connects all the pieces of a community due to the simple fact that everyone eats. Strengthening Trust food security policies appears to be a natural next step given Trust Council's commitments to food security, in light of greenhouse gas emissions reduction policy and given the long history of local food advocacy in the Trust Area. Building on this strong base will require the review and revisioning of the land use policies and tools currently employed by the Islands Trust.

This report represents a first step towards planning for food in the Trust Area and is simply the beginning of what could be a new way of thinking about community and working together to achieve a variety of goals under the common banner of food security. Based upon the outcomes of the September 2010 Trust Council Food Security Workshop, this report makes the following recommendations:

- THAT Trust Council should consider the modifications of the Islands Trust Policy Statement to include additional provisions for food security and reflect the inter-disciplinary nature of food in our communities.

- THAT Trust Council should consider development of model bylaws to address food security issues such as the Council identified top 7 priorities, and direct staff to return with model bylaws at a later Trust Council.
- THAT Trust Council should continue to include food security in the strategic plan.
- THAT Trust Council considers the need for more agriculture protocols.
- THAT the Islands Trust Fund Board should consider conducting an analysis of what resources would be required to manage agricultural properties as a farmland trust.
- THAT Trust Council should consider continuing to support food security discussions in the Trust Area by providing funding and resources for further work in gathering more background and context information.
- THAT Trust Council and Local Trust Committees should work with First Nations in ensuring that development does not further infringe on traditional food gathering lands

The above recommendations are meant to fuel the forward momentum that has been developing in the Trust Area over the past years. It is the hope that follow-up from these recommendations will result in some truly relevant and progressive actions. This is an exciting time for local government in the realm of food policy development, and the Islands Trust is well positioned to serve as a leader in how food, with all its facets and considerations, can move communities forward together with a common vision for the future.

Appendix A

Canadian General Standards Board: voluntary national guidelines for organic agriculture

- Protect the environment, minimize soil degradation and erosion, decrease pollution, optimize biological productivity and promote a sound state of human, animal and environmental health.
- Replenish and maintain the long-term soil fertility by optimizing conditions for biological activity within the soil.
- Maintain diversity on and around the farm, while protecting and enhancing the biological diversity of plants and wildlife native to the area.
- Recycle materials and resources when possible.
- Provide appropriate care to livestock by promoting their health and meeting their behavioural needs, and
- Maintain the integrity of organic foods and processed products from initial handling to the point of sale.

Source: Wunsch, P. 2002. Statistics Canada. "There's more to organic farming than being pesticide-free". Canadian Agriculture at a Glance. Statistics Canada, Catalogue no. 96-325-XPB.

Appendix B
Islands Trust Policy Statement
References relevant to food security

4.1 Agricultural Land

Amend
Nov 4/96
BL 42

Commitments of Trust Council

- 4.1.1 Trust Council recognizes that agriculture is a traditional and valuable activity in the Trust Area.
- 4.1.2 Trust Council shall consult with the Ministry of Agriculture, Fisheries and Food and the British Columbia Land Reserve Commission to request that agriculture policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.
- 4.1.3 It is Trust Council's policy to encourage agricultural management practices that are compatible with sustaining wildlife habitat.

Directive Policies

- 4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
- 4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
- 4.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.

Amend
Mar 6/98
BL 48

Recommendations

- 4.1.10 Trust Council encourages the Ministry of Transportation to ensure that, where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land.
- 4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.
- 4.1.12 Trust Council encourages the Provincial government and the British Columbia Assessment Authority to:
- retain a separate farm class to provide significant property tax incentives;
 - ensure that the threshold for farm income necessary for farm class status is appropriate to agriculture within the Trust Area; and
 - acknowledge that the total land area subject to the farm class may include land left uncultivated.

4.3 Wildlife and Vegetation

Recommendations

- 4.3.1 Trust Council encourages Provincial and Federal government agencies to:
- regulate and monitor the harvesting of the fish, wildlife and vegetation of the Trust Area so as to protect populations and habitats, and
 - consult with local trust committees, island municipalities, the communities of the Trust Area and First Nations prior to decisions regarding regulation of hunting or harvesting of Area wildlife or vegetation.
- 4.3.2 Trust Council encourages Provincial and Federal government agencies to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life and to establish public shellfish reserves in the Trust Area.

4.4 Freshwater Resources

Commitment of Trust Council

- 4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

Directive Policies

- 4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
 - water quality is maintained, and
 - existing, anticipated and seasonal demands for water are considered and allowed for.

- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses¹⁸.

Recommendations

- 4.4.4 Trust Council encourages island property owners, residents and visitors to adopt conservation practices in their use of freshwater.
- 4.4.5 Trust Council encourages the Provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands.
- 4.4.6 Trust Council encourages the Provincial government to adopt legislation that protects the sustainability and quality of the groundwater of the Trust Area.
- 4.4.7 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies that promote efficient use of freshwater resources, including cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.

4.5 Coastal Areas and Marine Shorelands¹⁹

Commitments of Trust Council

- 4.5.1 It is Trust Council's policy that aquaculture²⁰ is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.
- 4.5.2 Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.
- 4.5.5 It is Trust Council's policy that development should be directed to sites away from:
- areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.
- 4.5.6 It is Trust Council's policy that aquaculture should be directed to sites away from:
- areas of recreational significance,
 - areas where an aquaculture operation would conflict with established or designated upland land uses, and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.

¹⁸ Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.

¹⁹ Marine Shorelands - lands immediately adjacent to the marine shorelands.

²⁰ Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in the sea.

- 4.5.7 It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration²¹.

4.6 Soils²² and Other Resources

Directive Policy

- 4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.

PART V: SUSTAINABLE COMMUNITIES²³

GOAL: TO SUSTAIN ISLAND CHARACTER AND HEALTHY COMMUNITIES

.....The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and the availability of such necessities as educational and social services, transportation, **affordable food** and housing.

DEFINITIONS

Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in sea.

From the 2006 Islands Trust Response regarding Sustainable Aquaculture to the Special Committee on Sustainable Aquaculture:

Relevant Aquaculture Policy Statement Policies

The following policies from the Islands Trust Policy Statement are directly related to aquaculture:

- 3.4.2 *It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.*
- 3.4.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.*
- 3.4.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and*

²¹ Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

²² Soils - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act* or the *Mining Placer Act*.

²³ Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.

regulation of development in coastal regions to protect natural coastal processes.

- 3.4.7 Trust Council encourages the Provincial and Federal governments to research the impacts of the introduction of new marine species into the marine water of the Trust Area before such species are introduced.*
- 3.4.8 Trust Council encourages the Federal and Provincial governments to develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems.*

There are policies that directly relate to aquaculture under Section 4.3. Wildlife and Vegetation as follows:

- 4.3.1 Trust Council encourages Provincial and Federal government agencies to:
 - *regulate and monitor the harvesting of the fish, wildlife and vegetation of the Trust Area so as to protect populations and habitats, and*
 - *consult with local trust committees, island municipalities, the communities of the Trust Area and First Nations prior to decisions regarding regulation of hunting or harvesting of Area wildlife or vegetation.**
- 4.3.2 Trust Council encourages Provincial and Federal government agencies to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life and to establish public shellfish reserves in the Trust Area.*

There are policies that directly relate to aquaculture under Section 4.5. Coastal Areas and Marine Shorelands

- 4.5.1 It is Trust Council's policy that aquaculture²⁰ is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.*
- 4.5.2 Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.*
- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.*
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.*
- 4.5.5 It is Trust Council's policy that development should be directed to sites away from: areas of environmental sensitivity, and areas of naturally occurring stocks of clams or oysters.*
- 4.5.6 It is Trust Council's policy that aquaculture should be directed to sites away from: areas of recreational significance, areas where an aquaculture operation would conflict with established or designated upland land uses, and areas where an aquaculture operation would conflict with established or designated anchorage or moorage.*
- 4.5.7 It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration²¹.*

²⁰ Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in the sea.

²¹ Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

There are also policies that indirectly related to aquaculture under Section 3.1 Ecosystems and Section 5.7 Economic Opportunities including the following:

- 3.1.1 *Trust Council holds that:*
- *proactive land use planning is essential for the protection of Trust Area ecosystems,*
 - *protection must be given to the natural processes, habitats and species of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands , open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, and kelp and eel grass beds, and*
 - *planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.*
- 3.1.2 *It is Trust Council's policy to work towards the establishment of a network of protected areas that preserves representative ecosystems in their natural state and in sufficient size and distribution to sustain their ecological integrity.*
- 3.1.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*
- 3.1.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.*
- 3.1.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.*
- 3.1.6 *Trust Council encourages all government agencies and non-government organizations to consider both monetary and non-monetary costs when making resource management and land use decisions.*
- 3.1.7 *Trust Council encourages the Provincial government and the government of Washington State to proceed with their proposal for a joint environmental monitoring system for the Georgia Basin Region.*
- 3.1.8 *Trust Council encourages the Provincial government to establish property tax incentives for conservation or habitat protection.*
- 3.1.9 *Trust Council encourages actions and programs of other government agencies which:*
- *place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,*
 - *protect the diversity of native species and habitats in the Trust Area, and*
 - *prevent pollution of the air, land and fresh and marine waters of the Trust Area.*
- 5.7.1 *Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.*

5.7.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character*

Appendix C

Agricultural Policy Excerpts from the North Pender Island OCP

Agriculture Policies

2.2.1 The "right to farm" shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.

2.2.2 The average parcel size on land within the Agricultural designation shall be 16 hectares (40 acres) and density shall be limited to one dwelling and one cottage per parcel. Applications to the ALC for subdivision that are consistent with average parcel size may be supported.

2.2.3 Removal of soil suitable for agricultural purposes from a parcel may be prohibited.

2.2.4 Roadside stands, small scale marketing and processing, and agricultural education and research shall be permitted uses.

2.2.5 The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agriologist.

2.2.6 Pursuant to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, aggregate extraction of a volume less than 500 m³ per parcel should be permitted.

2.2.7 Subject to local government jurisdiction, commercial use of airstrips and helipads should be prohibited.

2.2.8 The Local Trust Committee may consider regulating greenhouses, land-based aquaculture facilities, and pet boarding and breeding facilities in order to limit and mitigate the impacts of these uses on groundwater, the environment and surrounding properties, provided the regulations are consistent with provincial legislation and regulations.

2.2.9 Subdivision regulations should prohibit severance of agricultural land by linear developments, such as roads and utility corridors.

2.2.10 Applications to include land in the ALR should be supported.

2.2.11 No consideration may be given to applications to rezone land within the Agricultural designation that would result in the transfer of density.

2.2.12 Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Agricultural designation that would result in an increase in density.

2.2.13 The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.

2.2.14 The Local Trust Committee supports the preservation and maintenance of the island's agricultural land base and applications for exclusion of land from the ALR will not be considered.

2.2.15 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.

2.2.16 When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.

2.2.17 Zoning changes should not be considered that would allow multi-family, industrial, institutional or commercial developments in the Agriculture designation except for agri tourist accommodation which is accessory to a working farm operation.

2.2.18 The Local Trust Committee may consider the regulation of the placement and removal of fill to protect the natural environment, including significant waterfowl habitat, and where possible, to preserve, maintain, and enhance soil for agricultural purposes.

2.2.19 The Local Trust Committee may consider regulating agri-tourism activities.

2.2.20 Agri-tourist accommodation may be permitted as the equivalent of bed and breakfast accommodation. The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units, provided that:

- a) the use is accessory to working farm operations;
- b) the use is on agriculturally designated land that is in the ALR; the application is consistent with ALC policies;
- c) the working farm will continue in operation and will not be adversely affected;
- d) potable water of sufficient quantity for both farming and non-farming use is available;
- e) sewage disposal facilities are suitable;
- f) on-site parking is adequate;
- g) the impact of increased traffic on adjacent roadways is considered;
- h) the environmental impact of the proposal is considered;
- i) and the impact on adjacent properties is addressed.

2.2.21 The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and

2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.

2.2.22 The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses.

2.2.23 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.

2.2.24 The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture.

2.2.25 Where there is a potential for conflict related to the regulation of agriculture and environmental protection, the Agricultural Land Commission and the Ministry of Agriculture and Lands and the Ministry of Environment shall be consulted.

Advocacy Policies

2.2.26 The Local Trust Committee will work with the local farming community, the Ministry of Agriculture and Lands and the Agricultural Land Commission to develop common policies to the benefit of farming on North Pender Island.

2.2.27 The Local Trust Committee will encourage partnerships with the farming community, senior governments and private enterprise to promote development of the agricultural sector.

2.2.28 The Local Trust Committee will support application of the Canada-BC Environmental Farm Plan Program.

2.2.29 The Local Trust Committee will support creation of a land-for-lease program for landowners to identify themselves to farmers wishing to lease farmland.

2.2.30 Landowners are encouraged to avoid the use of pesticides, herbicides and fungicides. If used, pesticides, herbicides and fungicides should be applied in a manner that avoids damage to adjoining lands and drainage areas.

2.2.31 Production methods should be selected to maintain soil quality and to ensure surface and groundwater recharge areas are not contaminated by agricultural activities.

2.2.32 Pre-purchase of crops, co-ops and local farmers markets are encouraged as a means to support the island farm economy.

2.2.33 Physical barriers, including fencing and appropriate indigenous vegetation are encouraged to restrict access by farm animals to water courses.

2.2.34 Amalgamation of lots and limiting the subdivision of agricultural land is encouraged.

2.2.35 Collection of rainwater for irrigation purposes is encouraged.

2.2.36 Sound environmental practices shall be encouraged in accordance with current best practices. Landowners and farmers are encouraged to preserve and protect seasonally flooded agricultural fields, which are considered an important ecosystem providing resting and feeding opportunities for migratory bird species.

2.2.37 The Local Trust Committee may request that the Subdivision Approving Officer consider the effect of any proposed subdivision on farming, and if the proposed subdivision is within or adjacent to agricultural land, and require the applicant to provide an examination and report on the proposed subdivision to address any potential conflict with farming.

2.2.38 The Local Trust Committee will work with the local farming community and relevant agencies to support and develop an appropriate signage program for agri-tourism on North Pender Island.

Appendix D

A History of Trust Council's Food-Security Related Work

Trust Council's history of food security related discussions, decisions and advocacy begins in 1985.....

1985: Trust Council has guest speakers to speak on aquaculture.

1987: Trustees were concerned about the potential impact on farmers of a provincial proposal to increase the amount of farm gate sales required to qualify for farm status. They decided to consult with local farmers and send their feedback to the Minister of Finance.

1988: Trust Council decided to oppose a proposed Capital Regional District Meat Inspection Bylaw.

1990: Trust Council passed resolutions FC104/90 and FC106/90 in response to the Province's proposal to remove property taxes on farmland in the province. Trust Council reiterated its support for the Agricultural Land Commission (ALC) and encouraged the Province to consider including those farms with additional planned woodlot income in any legislation that would exempt farmland from property taxes.

1991: Trust staff were arranging a protocol meeting with Fisheries and Oceans Canada. Trust Council passed resolution FC252/91 to encourage the Province to undertake a study to quantify the impact of commercial clam harvesting on the flora and fauna of Trust Area beaches. Trust Council also resolved (FC253/91) that any protocol with Fisheries and Oceans Canada should institute a referral process before wild oyster harvesting permits are issued. Trustees also discussed establishing protected shellfish reserves through Official Community Plan and Section 12 of the *Land Act*.

1993: Trust Council passed a resolution (FC89/93) requesting a presentation for Trust Council on BC Assessment changes that could make it more difficult for farms to maintain their farm status.

1995: Trust Council endorsed the draft Agriculture Land Commission (ALR) Protocol and Letter of Understanding. Challenges noted during council discussions included that elderly people who were no longer able to farm and who wished to build dwellings for farmhands had been rejected by the ALR, and that decisions about farmland should protect the capability of the land as well as the activity.

Trust Council endorsed the agriculture policy review framework and action plan. The three priorities of the plan were coordination of tax policy, protection of wetland conflicting with agriculture and coordination of policies on water management; and home occupation and farm vacations.

1996: Trust Council held an agriculture orientation session and held a workshop on March 7, 1996 to develop agriculture policies for the Policy Statement.

1997: Trust Council signed the Protocol Agreement on Aquaculture Uses in the Islands Trust Area between the Provincial Ministry of Agriculture, Fisheries and Food and the Islands Trust.

1998: Trust Council passed a resolution (TC/209/98) encouraging the federal government to take actions to protect forage fish, specifically herring.

1999: David Essig, Chair, wrote to The Honourable Corky Evans, Minister of Agriculture and Food to request that he consider no increase in the minimum income eligibility requirement for tax relief for farmers in the Trust Area.

2000: David Essig, Chair, reported to Trustees that he and Executive Director Gordon McIntosh had met with the Honourable Corky Evans, Minister of Agriculture, Food and Fisheries. He reported that the Minister indicated he wanted to approve 16 shellfish tenures within the Denman Island Local Trust Area using the 'Right to Farm' legislation to do so if necessary. After the meeting, the Minister directed that there be a subsequent meeting between BCALC and the Denman Island Local Trust Committee, where it was agreed that these leases would be processed through a rezoning before the Minister considered the applications again.

2001: Trust Council was interested in learning more about the delegation of Land Reserve Commission decision-making responsibilities to Local Trust Committees (LTCs) and passed resolution TC/227/01 to initiate discussions with the Land Reserve Commission.

David Essig, Chair, wrote to Honourable Ed Conroy, Minister of Agriculture, Food and Fisheries regarding the enforcement of land reserve density regulations. He wrote to highlight that the Land Reserve Commission did not have sufficient staff resources to enforce its regulations, including regulations that permit one residence per parcel in the Agricultural Land Reserve. He stated that “this lack of enforcement seriously erodes the integrity of both the Islands Trust Policy Statement and Island official community plans and regulatory bylaws”, and requested that he consider a means for providing sufficient resources to the Land Commission for it to carry out its enforcement responsibilities.

Trust Council passed resolution TC 184/01 to encourage the Land Reserve Commission to consider adopting the following policy for inactive or hayed ALR parcels greater than 20 acre (8 ha) within interested LTC areas:

- Landholders of inactive or hayed ALR parcels may lease 10 acre (4 ha) to an individual farming interest,
- Upon the lessee achieving 5 consecutive years of the economic thresholds required for farm status, the lesser would be permitted to subdivide and sell the 10 acre farm to the lessee.

Trust Council passed a resolution (TC 210/01) instructing staff to pursue agreements with the Ministry of Agriculture that would allow LTC's to comments on game farm permits. Trust Council also requested that the Trust Program Committee develop a proactive policy to retain, encourage and protect agricultural activity lands in the Trust Area (resolution TC 111/01).

The Chair wrote to Alan Chambers, Chair of the Land Reserve Commission, to initiate discussion between the two agencies regarding inactive farmland within the Trust Area.

He noted that Trustees on some islands were concerned that ALR parcels in their communities were not being farmed, although there were individuals interested in farming them. He stated that “the difficulty apparently lies in the inability of small-scale farmers to lease or otherwise register a formal interest in a portion of ALR land. He conveyed Trust Council resolution TC 184/01. He further noted that the Land Reserve Commission was focusing considerable effort on a range of policy changes to enhance the active use of ALR land and that the Islands Trust would appreciate his consideration of policy changes that would address this issue for small farms within the Trust Area.

2003: Trust Council passed a resolution (TC 172/03) requesting staff to seek agreements with the Ministry of Agriculture, Fisheries and Food and the Agricultural Land Commission regarding guidelines for the development of farm regulations to address the scale and intensity of agriculture (including on-land aquaculture), in a manner consistent with the provincial object of the Islands Trust and with the scale and character of small islands. There was also a staff report in 2003 that no LTC’s were interested in pursuing delegation of authority from the Agricultural Land Commission (formerly LRC).

David Essig, Chair, wrote to the Honourable John van Dongen, Minister of Agriculture, Food and Fisheries to express Islands Trust’s concern regarding legislative amendments proposed by Bill 48 which could lead to the designation of marine waters as farming areas, subject to the provisions of the *Farm Practices Protection (Right to Farm) Act*, resulting in restrictions on local zoning in marine areas. He urged the Minister to reconsider Bill 48 and not to amend provincial legislation to diminish local influence over land use in the coastal waters of British Columbia.

2004: Trust Council adopted Bylaw 100 concerning a protocol agreement on Agricultural Land Reserve in the Trust Area between the Agricultural Land Commission and the Islands Trust.

David Essig, Chair, wrote to Honourable Colin Hansen, Minister of Health Services to express concerns regarding the *Meat Inspection Regulation* proposed by the ministry. He stated that should the *Regulation* be implemented as proposed, it could lead to a significant decrease in local food production in Trust communities, as well as result in the loss of important local products and cultural events. The letter contained local farming information, encouraged a flexible approach to meat inspection rather than a ‘one size fits all’ approach and provided suggested improvements/alternatives to the Regulation.

The Chair wrote to the Honourable John Van Dongen, Minister of Agriculture, Fisheries and Food to thank him for meeting with the Executive Committee of the Islands Trust Council at the 2005 UBCM Convention, and to outline follow-up actions/discussions.

2006: Trust Council submitted the “*Islands Trust - Response to the Special Committee on Sustainable Aquaculture, September 15, 2006*” report to the Special Committee on Sustainable Aquaculture and requested staff to assess the feasibility and work program implications of requesting staff in the Ministry of Agriculture and Lands to work with Islands Trust to update and review the protocol agreements and letters of understanding between the agencies (resolution TC 158/06). The response included information about the Islands Trust jurisdiction and Policy Statement and identified concerns regarding

aquaculture in the Trust Area. The response also included recommendations regarding sustainable aquaculture options for the Special Committee's consideration.

Kim Benson, Chair wrote to the Honourable George Abbott, Ministry of Health and the Honourable Pat Bell, Ministry of Agriculture and Lands to advise them that in 2004 Chair David Essig had written to then Minister Colin Hanson of Health Services to express the concerns regarding the *Meat Inspection Regulation* and to advise that while the ministries have worked with stakeholders since the *Regulations* came in to effect in 2004, constituents continued to express concerns. She requested that the ministries advise of progress in implementing innovative solutions that would address these concerns before the end of the transition period.

The Chair also wrote again to the Honourable Pat Bell, Minister of Agriculture and Lands to express appreciation of the provincial government's decision to provide a one-year extension to September 30, 2007 for compliance with the *Meat Inspection Regulation*. She also noted that Trust Council continued to be concerned about the potential impact of the *Regulation* on small island meat producers and that the Trust will continue to monitor the situation's impact on constituents.

Islands Trust planning staff met with new the provincial liaison for aquaculture issues, Clint Collins of the Ministry of Agriculture and Lands, in order to better explain island perspectives on aquaculture.

2007: Trust Council requested the Chair write to the BC Minister of Agriculture expressing the Trust's concern that inadequate slaughter facilities exist to service farmers within the Islands Trust Area, and that the Trust encourages the Ministry to maintain its support of community initiatives to establish appropriate local facilities to service the Trust Area. (Resolution TC 163/07).

The Chair responded to resident Harlene Holm who had written with concerns about the Ministry of Agriculture and Lands *Right to Farm* legislation and requesting that the Islands Trust take action. In that letter the Chair explained that "Bill 48, 2003 made amendments to the *Farm Practices Protection (Right to Farm) Act* and the *Local Government Act* which allows Cabinet to designate crown land (including foreshore) as a "farming area" to which the *Farm Practices Protection (Right to Farm) Act* would apply. The province has not yet enacted the parts of the Bill that would limit local government's ability to control aquaculture through zoning." The Chair further advised that the Islands Trust had recently taken steps to advise the province regarding specific aquaculture concerns on Denman Island.

The Chair wrote to Honourable Pat Bell, Minister of Agriculture and Lands to express Council's continued concern about the inadequate abattoir facilities available to farmers within the Islands Trust Area. In the letter she noted that the combined lack of abattoirs and increasing transportation costs threatened the financial viability and long-term sustainability of the islands' agricultural sector, and that support for the local agriculture sector is consistent with the provincial government's interest in addressing climate change by encouraging local food production and distribution.

2008: Trustees were provided with a copy of the booklet entitled "Plan to Farm – an area farm plan for Salt Spring Island" for their information. This document, funded

by federal, provincial and regional governments, spoke to three key recommendations to revitalize agriculture in the Salt Spring community: to establish a Salt Spring Island Agricultural Alliance; a community farmland trust; and key community facilities that support the expansion of agricultural activities.

Trust Council passed a resolution (TC 127/08) to request the Chair to write to the BC Minister of Agriculture and Lands and the Farm Industry Review Board requesting that they consider organic farming to be a normal farm practice in the Islands Trust Area. The letter sent from the Chair emphasized that organic farming should be recognized as 'a normal farm practice' in the Trust Area to ensure such farming is not discriminated against by provincial regulatory bodies.

Trust Council passed a resolution (TC 128/08) to request the Chair to write to the Minister of Small Business and Revenue, Rick Thorpe and to the Farm Tax Review Panel, apprising them of the relevant Islands Trust policy and Trust Council's support for a fair, enlightened and sustainable approach to farm tax assessment in the Trust Area.

The letter from the Chair (TC 128/08) stated "[w]e are pleased that the provincial government has initiated a comprehensive review of farm status assessment and that there will be province-wide public consultations this summer". The letter also noted that the BC Assessment Authority's recent move to split assessments and reclassify some land as residential could be a serious threat to small farms in the Trust Area, and that enlightened taxation would reward farmers who voluntarily set aside parts of their land for fallow, woodlots and other natural buffers.

Trust Council removed the following agriculture-related agreement projects from the Trust Programs Committee work program:

- Create Protocol Agreement regarding aquaculture
- Complete Memorandum of Understanding with Agricultural Land Commission.

2009: Trust Council hosted a presentation on the role of the BC Farm Industry Review Board, an administrative tribunal operating in the agriculture and aquaculture sectors.

Appendix E

Food Charter Examples

The Northern Regional Districts Regional Food Charter

1. Promote and support the right of all residents to healthy food.
2. Advocate for income, employment, housing, and transportation policies that support access to food.
3. Promote eating locally grown food as a way to increase consumption of fresh foods, reduce "food miles" and increase local economic stability.
4. Protect productive farmland in our region and support strategies to make it accessible for farming.
5. Protect our fresh water and marine ecosystems and promote sustainable harvesting practices.
6. Ensure appropriate quality and supply of water for agricultural and home gardening use.
7. Promote convenient access to healthy and affordable foods at the neighborhood level.
8. Work with consumers, municipalities, and institutions to promote healthy food purchasing practices that support local farm and food businesses.
9. Promote partnership, programs and policies that support rural-urban food links through farmers' markets, and other rural-urban initiatives.
10. Support incentives to enhance environmental values, and recognize the multi-functionality of farms.
11. Support and encourage urban agriculture by supporting community gardens, backyard and rooftop gardens, city fruit trees and other initiatives.
12. Support strategies for regional waste disposal and composting systems that recycle nutrients for regional food production.
13. Support training and income-generating programs that promote farming and food security within a community economic development model.
14. Support health and nutrition promotion strategies that encourage and increase the health status and self-reliance of all members of the population.
15. Work proactively to achieve these goals through the Regional Food and Health Action Plan as well as support a regular community food security assessment on the Region's progress towards food security.
16. Work proactively to achieve and support a Regional Food Council to support planning, policy and ongoing decision making in support of this Regional Food Charter

Everyone in the Region has a role in creating a healthy local food system.

These actions will be achieved by the choices of individuals and the actions both alone and through working together with local, regional, provincial, federal and First Nations governments, community-based organizations, community associations, farm organizations, food processing and food service businesses and organizations, Aboriginal peoples, immigrants and residents, business organizations, trade unions, educational and health institutions.

The Vision of this Charter will live and breathe through individual and collaborative support and action.

On behalf of _____, I/we, _____ support the vision of the Regional Food Charter.

Signed this _____ day, _____ month _____ year.

Number of Members _____

Regional Food Charter, CRFAIR version April 22, 2008

The Gabriola Island Proposed Food Charter

Gabriola Food Charter

Wholesome food needs to be a basic human right. To help ensure that it remains available to people here, Gabriolans have prepared this Charter of principles as a guide for us as consumers, for those who produce our food or help to bring it to our tables and for those with authority to make regulations that affect our food.

Principles

1. Environment/Ecology

- We will act to protect, maintain and nourish the integrity of Gabriola's natural environment. We support responsible growing practices that protect the earth, water and air.
- We believe in fostering local, safe and nutritionally superior food systems to reduce negative impacts on our environment, decrease consumption of fossil fuels and lessen packaging waste.

2. Education

- We understand the importance of educating ourselves and our children about the food we eat. We promote learning about nutrition, growing practices, preparation, storage, seed saving, industry additives, genetic engineering, and the use of local wild foods.

3. Access

- We envision using and preserving the resources in our community: the land, the sea around us, our fresh water, and distribution systems to ensure that Gabriolans have access to safe, locally produced, affordable, fresh and nutritious food.

4. Celebration/Culture

- We value the importance of food and celebration in our island culture, and the integral role that it plays.
- We recognize that food brings people together in celebration of community, reflecting our traditional right to share food prepared in our kitchens and using food grown in our own gardens.

Appendix F

Local and Regional OCP Excerpts

Richmond designates land adjacent to the ALR in a development permit area, using clear maps, to require buffering, and includes policies for securing an adequate supply of irrigation water for agriculture.

Spallumcheen's OCP states "[i]t is the primary goal of the Township of Spallumcheen to preserve the Township's agricultural land base, the community's rural character and environmental attributes while allowing changes in land use which will not compromise this primary goal." The first objective of the Township is to maintain Spallumcheen as a predominantly agricultural and rural community; subdivision is discouraged, and non-ALR rural lands are regulated to ensure their use is compatible with farming activities.

Source: Curran, D. 2005. Protecting the Working Landscape of Agriculture: Smart Growth Direction for Municipalities in British Columbia. West Coast Environmental Law. www.wcel.org.

Corporation of the District of Central Saanich Official Community Plan (2008), selected agricultural objectives and policies:

3.2.1. Preserving Agricultural Land

Objective: To preserve lands with potential for agricultural production and to protect these areas from incompatible land uses

Policy 1: Areas designated as Agriculture on Schedule A, Land Use Plan will be retained for agricultural uses over the long-term regardless of any changes that may be made by the Provincial Government with respect to the Agricultural Land Reserve (ALR).

Policy 7: Land abutting ALR land is to include a buffer strip. Any new development on lands adjacent to ALR lands may be required to provide berms, landscaped buffer areas, and/ or fencing next to the property line between the farm and the non-agricultural use. The Land Use Bylaw specifies setback requirements for residential development adjacent to lands in the ALR.

Policy 8: New institutional buildings and uses such as schools, hospitals, residential care facilities, cultural facilities, fire or police services shall not be located within the Agricultural area.

Policy 9: New roads, utility corridors, or other public uses shall not be located on agricultural lands unless no suitable alternative exists. In those cases where no suitable alternative exists, land excluded from the ALR must be replaced with land of equal or greater agricultural value within the District of Central Saanich.

Policy 10: The presence of institutional or recreational uses within the agricultural area shall not be considered as the basis for restriction or limitation of any farming activity.

Policy 11: Amend the Land Use Bylaw to incorporate provincial standards that guide maximum lot coverage for non-agricultural buildings and structures associated with land uses in agricultural zones.

Policy 12: Amend the Land Use Bylaw to limit the maximum size of residences in agricultural areas.

3.2.2. Support for Agriculture

Objective: To ensure the sustainability and economic viability of the District of Central Saanich's farm community as an integral part of agriculture on the Saanich Peninsula

Policy 3: Support and encourage agricultural activities by developing an Agricultural Area Plan for Central Saanich. This plan may, among other things, define legitimate farming, address factors that are increasing the cost of farmland, determine how to encourage farming and value-added food production, and address the environmental management of farms.

Policy 5: Support in principle the diversification of the agricultural economy in Central Saanich, through such activities as farm-gate marketing and other agri-tourism opportunities that are ancillary to primary farming activities and do not impact the agricultural capability of farmland.

Policy 10: Develop an agricultural-industrial zoning designation to protect and encourage agriculture-related industries in the Keating Industrial area and at other appropriate locations throughout the District (cross-reference Section 5: Economic Development).

Policy 11: Allow and support the development of regular farmers' markets including small pocket markets in existing parking lots and public spaces.

Policy 12: In discussion with the appropriate Provincial authorities, develop criteria to guide the establishment and location of supportive, seasonal (temporary) farm worker housing. Also explore the need and opportunity for establishing long-term, on-farm housing.

Policy 14: Explore and encourage alternative models of agricultural land ownership that support farming, such as community farmland trusts.

Policy 15: Support efforts to acquire and protect agricultural land within the community in order to increase local sustainable food production and create opportunities for new farmers.

3.2.3. Environmental Stewardship

Objective: To encourage and support the implementation of environmentally considerate farm practices

Policy 2: Support the Canada – British Columbia Environmental Farm Plan program as it relates to agricultural and farming practices.

Policy 3: Encourage the implementation of environmental and sustainable farm practices that provide local producers with an economic advantage while improving the health of the local community.

Policy 5: Work with the agricultural community to support water conservation measures on farms.

Policy 6: Support the beneficial application of recycled organic matter and compost on farm lands to reduce the District's contribution to the waste stream and improve the health and fertility of local soils.

Source: The Land Conservancy of BC. 2009. BC's Farming and Food Future: Local Government Toolkit for Sustainable Food Production.

District of Metchosin OCP (Bylaw No. 258, 1995)- Farm worker Housing Excerpt

3.3.11 The maximum density shall not exceed one dwelling unit per lot except:

(1) Where a lot is classified as a farm pursuant to the Assessment Act and the sole purpose of the additional dwelling unit is to provide housing for employees working on that farm, and the lot is 4 hectares (9.9 acres) or more, one additional dwelling unit in the form of a manufactured home may be permitted; or

(2) where permitted in the Land Use Bylaw.

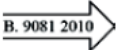
3.3.12 Only one secondary suite shall be permitted per parcel subject to the Land Use Bylaw.

Source: District of Metchosis. Official Community Plan. Bylaw 258, 1995 (consolidated January 2010).
Accessed July 26-10. <http://metchosis.civicweb.net/Documents/DocumentList.aspx?ID=421>

Appendix F

Creative Zoning for Strengthened Food Systems- Excerpts

Saanich

SCHEDULE 103	RURAL ZONE (DEMONSTRATION FARM) • A-1DF
103.1 Uses Permitted	(ii) 3.0 m (9.8 ft) from an interior side lot line. (iii) 3.5 m (11.5 ft) from an exterior side lot line.
Uses Permitted: (a) Agriculture (b) Demonstration Farm (c) Single Family Dwelling (d) Boarding (e) Home Occupation (f) Accessory Produce Sales (g) Accessory Buildings & Structures	 (b) (i) Shall not exceed a height of: 7.5 m (24.6 ft), as measured from Grade; for those buildings and structures having or incorporating flat roofs or roofs with a pitch less than 3:12, the maximum height of these roofs shall not exceed 6.5 m (21.3 ft) as measured from grade; (ii) In no case shall portions of a building or structure located within a 5.0 m (16.4 ft) distance from any point along a continuous vertical plane described by and including the outermost wall having the lowest building elevation exceed a height of 7.5 m (24.6 ft) measured from the average natural grade of the two outside corners of the outermost wall, except as specified in subsection (i) above. The outermost wall does not include exterior projections including balconies, canopies, sun decks, or other similar features.
103.2 Boarding	
Boarding: There shall not be more than two boarders in a dwelling unit.	
103.3 Lot Coverage	
Lot Coverage: For a lot having an area less than 2000 m² (.49 ac), the maximum Lot Coverage of all buildings and structures shall be 40% of the lot area.	
103.4 Buildings and Structures for Agriculture	(c) Shall not exceed a Floor Space Ratio (R) of 0.45.
Buildings and Structures for Agriculture:	103.6 Buildings and Structures for Accessory Produce Sales
(a) Shall be sited not less than: (i) 7.5 m (24.6 ft) from a front, rear and exterior side lot line. (ii) 3.0 m (9.8 ft) from an interior side lot line. (iii) 3.0 m (9.8 ft) from all buildings used for residential purposes. (b) That involve the keeping of farm animals shall be sited in accordance with the provisions of the Animal Bylaw.	Buildings and Structures for Accessory Produce Sales: (a) Shall be sited not less than: (i) 7.5 m (24.6 ft) from a front, a rear, and an exterior lot line. (ii) 3.0 m (9.8 ft) from an interior side lot line.
103.5 Buildings and Structures for Single Family Dwelling	(b) Shall not exceed a total floor area of 12.0 m ² (129 ft ²). (c) Shall be limited to one per lot.
Buildings and Structures for Single Family Dwelling: (a) Shall be sited not less than: (i) 7.5 m (24.6 ft) from a front and rear lot line.	
Saanich Zoning Bylaw 8200	(Adopted September 14, 2004 • Bylaw #8594)
103-1	

103.7 Accessory Buildings and Structures for Use other than Agriculture

Accessory Buildings and Structures for Use other than Agriculture:

- (a) Shall be sited not less than:
- (i) 7.5 m (24.6 ft) from a front, rear and exterior side lot line.
 - (ii) 3.0 m (9.8 ft) from an interior side lot line.
- (b) Shall not exceed a height of 3.75 m (12.3 ft).

103.8 Minimum Lot Size

Minimum Lot Size:

No land shall be subdivided into lots having a width or area less than:

- (a) Standard Lot
- width 60 m (196.9 ft)
 - area 2 ha (4.9 ac)
- (b) Panhandle Lot
- not permitted
- (c) Home-site Severance Subdivision approved by the Agricultural Land Commission
- area 2500 m² (26,910.7 ft²).

103.9 General

General:

The relevant provisions of Sections 5, 6 and 7 of the bylaw shall apply.

221 AGRICULTURAL DISTRICT (AG1)

The intent of this zoning district is to ensure that rural lands will be preserved for farming and farm-related purposes.

221.1 PERMITTED USES

RESIDENTIAL, limited to **One-Family Dwelling**;
BOARDING & LODGING, limited to two persons per **dwelling unit**;
HOME OCCUPATION;
AGRICULTURE;
KEEPING & RAISING OF ANIMALS FOR COMMERCIAL PURPOSES;
HORTICULTURE;
PEAT EXTRACTION & PROCESSING;
HORSE RIDING ACADEMY;
ROADSIDE STAND (Classes A and B), provided that the operation is clearly ancillary to a permitted agricultural use;

Bylaw 7765
2004/08/23

→ **FARM-BASED WINERY**, provided that the operation is ancillary to a permitted agricultural use;

ANIMAL HOSPITAL or CLINIC;
RADIO & TELEVISION TRANSMISSION FACILITIES;
PUBLIC SEWAGE COLLECTION, TREATMENT AND DISPOSAL FACILITIES;
→ **ACCESSORY USES**, including one **Secondary Suite** subject to Section 201.09.

Bylaw 8200
2007/06/18

Bylaw 7488
2003/03/17

PERMITTED USES – SITE SPECIFIC

The following additional uses are permitted in the Agricultural District (AG1) on a site specific basis only:

CHILD CARE program as a **HOME OCCUPATION**, limited to a maximum of 30 children in the case of:

P.I.D. 003-916-332
Parcel "2" (J21626E) Lot "B" Section 17 Block 4 North Range 5 West New Westminster District Plan 11667
7471 No. 6 Road

Bylaw 8039
2006/07/17

↑ **Seasonal Farm Labour Accommodation** within the specified dates, provided that it is necessary and accessory to **Agriculture** and subject to the special provisions contained in Section 221.7, in the case of:
↓

221.2

PERMITTED DENSITY

- .01 Maximum Number of Dwellings: One, EXCEPT THAT
- (a) A lot used as the site of a licenced **Boarding or Breeding Kennel** designed to accommodate 20 or more dogs may have one additional dwelling intended for occupation by a full-time employee of the **Boarding or Breeding Kennel**, employed on the lot in question.
 - (b) A lot used as the site of a licenced **Animal Petting Farm** may have one additional dwelling intended for occupation by a full-time employee of the **Animal Petting Farm**, employed on the lot in question.
 - (c) A lot containing a minimum area of 8 ha (19.769 ac.) may have one additional dwelling intended for occupation by a full-time agricultural worker employed on the lot in question.
 - (d) A lot containing a minimum area of 25 ha (61.774 ac.) may have up to two additional dwellings intended for occupation by full-time agricultural workers employed on the lot in question.
 - (e) A lot containing a minimum area of 30 ha (74.134 ac.) may have up to three additional dwellings intended for occupation by full-time agricultural workers employed on the lot in question.
- .02 Maximum **Floor Area Ratio**: 0.60

221.3

MINIMUM & MAXIMUM SETBACKS FROM PROPERTY LINES

- .01 For Dwellings and **Residential Accessory Buildings**:
- (a) **Front Yard**: 6 m (19.685 ft.).
 - (b) **Side Yards**: 1.2 m (3.937 ft.) on one side; together with 3 m (9.843 ft.) on the other side for lots of an area of less than 0.8094 ha (2 ac.), or 6 m (19.685 ft.) on the other side for lots of an area of 0.8094 ha (2 ac.) or more;

PROVIDED THAT on a corner lot a side yard which abuts a public road shall be a minimum of 3 m (9.843 ft.).
 - (c) **Rear Yard**

for Dwellings: 6 m (19.685 ft.).

for **Residential Accessory Buildings**: 1.2 m (3.937 ft.).

- .02 The following provisions must be met in order to permit **Seasonal Farm Labour Accommodation**:
- (a) Minimum **Farm Operation** size of 20 acres (8.09 ha);
 - (b) The **Seasonal Farm Labour Accommodation** must be located on the same lot as an existing **One-Family Dwelling**;
 - (c) Only one **Seasonal Farm Labour Accommodation** is permitted per **Farm Operation**;
 - (d) A building used for **Seasonal Farm Labour Accommodation** shall not exceed 300 m² (3,229 ft²);
 - (e) A maximum of 30 **Seasonal Farm Labour** occupants per **Seasonal Farm Labour Accommodation** is permitted;
 - (f) Minimum floor area per occupant is to be 10 m² (108 ft²); and
 - (g) A building used for **Seasonal Farm Labour Accommodation** shall be considered a dwelling with all regulations relating to density, minimum and maximum setbacks and height to apply.
- .03 Limitations
- (a) A building used for **Seasonal Farm Labour Accommodation** must adhere to all relevant components of the British Columbia Building Code and the City of Richmond's Building Regulation (Bylaw 7230);
 - (b) A lot that contains a building used for **Seasonal Farm Labour Accommodation** is subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations contained in this zoning district;
 - (c) A building used for **Seasonal Farm Labour Accommodation** does not need to be removed when not occupied by **Seasonal Farm Labour** if the use is required on an ongoing, annual basis for the agricultural purpose of the **Farm Operation**;
 - (d) If **Seasonal Farm Labour Accommodation** is no longer required for the **Farm Operation**, all buildings used for **Seasonal Farm Labour Accommodation** must be removed and the land restored to its original state; and
 - (e) Costs of removal of the **Seasonal Farm Labour Accommodation building** and restoration of land to its original state are to be the responsibility of the property owner.

(d) **Maximum Setback**

for Dwellings: 50 m (164.042 ft.).

(See Interpretation Section 201.04 for explanation.)

.02 For **Buildings** and **Structures** for Other Uses:

(a) **Front Yard:** 6 m (19.685 ft.).

(b) **Side Yards:** 4.5 m (14.764 ft.).

(c) **Rear Yard:** 4.5 m (14.764 ft.).

221.4 MAXIMUM HEIGHT OF DWELLINGS:

2½ storeys, but in no case exceeding 10.5 m (34.449 ft.).

221.5 MINIMUM LOT SIZE

.01 A dwelling shall not be constructed on a lot of less than 828 m² (8,912.81 ft²) in area.

.02 An **Animal Petting Farm** may not be located on a lot of less than 2 ha (4.942 ac.) in area.

.03 Regulations which determine the minimum dimensions and area of a lot which may be created by subdivision will be found in Division 600 of this bylaw.

221.6 MINIMUM BUILDING SEPARATION SPACE

.01 1.2 m (3.937 ft.).

Bylaw 8039
2006/07/17

221.7

SEASONAL FARM LABOUR ACCOMMODATION – SPECIAL PROVISIONS

.01 **Seasonal Farm Labour Accommodation** shall only be permitted on:

(a) A lot located in the Agricultural Land Reserve in the City of Richmond;

(b) A lot designated for 'Agriculture' in the General Land Use Map contained in the City of Richmond's Official Community Plan (Bylaw 7100); and

(c) A lot classified as 'Farm' under the *British Columbia Assessment Act*.

Bylaw 8039
2006/07/17



- .04 Provisions for lots containing two or more existing dwellings
- (a) A lot that contains two or more existing dwellings may be permitted to use only one dwelling for the purpose of **Seasonal Farm Labour Accommodation**;
 - (b) Rezoning approval on a site specific basis to permit an existing dwelling to be **used** for **Seasonal Farm Labour Accommodation** is required; and
 - (c) An existing dwelling **used** for **Seasonal Farm Labour Accommodation** must adhere to all relevant provisions and regulations contained in Section 221 Agricultural District (AG1).

Source: Abbotsford Zoning Bylaw, 1996. Agricultural One zone (A1).

http://www.abbotsford.ca/planning_services/building_permits/building_bylaws/abbotsford_zoning_bylaw/sections_and_zones.htm

Appendix H
City of Abbotsford Seasonal Workers Housing Covenant

LAND TITLE ACT
FORM C
(Section 219.81) [now s. 233]
Province of British Columbia

City of Abbotsford
Development Services
Seasonal Covenant
with Sec 219 Covenant

DOC ID: PL-831

2009-12-07

GENERAL INSTRUMENT – Part 1 (This area for Land Title Office Use) Page 17 of <> pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

City of Abbotsford
32315 South Fraser Way
Abbotsford, B.C. V2T 1W7 Tel: (604) 853-2281

Signature of applicant, applicant's solicitor or agent
Municipal File No. 3070-20/T<>

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

SEE SCHEDULE

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

(b) Express Charge Terms

(c) Release

X

D.F. No.

Annexed as Part 2

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

SEE SCHEDULE

6. TRANSFEREE(S): [including postal address(es) and postal code(s)]

CITY OF ABBOTSFORD, 32315 SOUTH FRASER WAY, ABBOTSFORD, B.C., V2T 1W7

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D

Transferor(s) Signature(s)

<>[insert company name in uppercase if applies, otherwise delete wording], as to authorized signatory(ies)

Solicitor/Notary Public/Commissioner
As to both signatures
Print Name and Address:

<>(Print name in uppercase)

<>(Print name in uppercase)

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

(PID)

(Legal Description)

<>

<>

3. NATURE OF INTEREST:

Description	Document Reference (page and paragraph)	Person Entitled to Interest
Section 219 Covenant	Pages <> to <>	Transferee
Priority Agreement granting Section 219 Covenant No. _____	Page <>	Transferee
Priority over Mortgage No. <> and Assignment of Rents No. <>	<i>[insert number or delete this portion if not required]</i>	

5. TRANSFEROR(S):

<> *[underline & uppercase except "and" when used]*,
 <> and
 <> *[insert Charge/Mortgage Holder (in uppercase) if applicable]*, as to priority agreement

TERMS OF INSTRUMENT – PART 2

COVENANT

(Section 219 Land Title Act)

THIS AGREEMENT made the day of , 20<>;

BETWEEN:

<>

<>

<>

<>

(the "Grantor")

AND:

CITY OF ABBOTSFORD
32315 South Fraser Way
Abbotsford, British Columbia
V2T 1W7

(the "City")

WHEREAS:

- A. The Grantor is the owner in fee simple of that certain parcel or tract of land and premises, situate, lying and being in the City of Abbotsford, in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: <>

<>

(the "Lands")

- B. The Grantor proposes to establish an Accessory Seasonal Employee Residential Use, pursuant to Abbotsford Zoning Bylaw, 1996.
- C. Section 219 of the Land Title Act, R.S.B.C. 1996, c. 250 permits the registration of a covenant of a positive or negative nature in favour of the City of Abbotsford in respect to the use of land or the use of a building on or to be erected on the land.
- D. One of the conditions of obtaining the consent of the City for the <> of the Accessory Seasonal Employee Residential Building (the "Building") pursuant to Abbotsford Zoning Bylaw, 1996, is the execution of this Agreement by the Grantor.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the Land Title Act, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of Ten (\$10.00) Dollars now paid to the Grantor by the City (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. THE GRANTOR COVENANTS AND AGREES with the City:

- (a) that the Lands and any buildings on or to be constructed on the Lands shall only be used in accordance with this covenant;
- (b) that the Building on the Lands shall only be used for the accommodation of a person or persons employed by the Grantor on a full-time seasonal basis on the farm operation of which the Lands form a part and shall be and remain unoccupied from <>

Choose appropriate (c) and delete other:

- (c) that if for any reason the farm operation carried out on the Lands either ceases to include an additional <> hectares of land which the Grantor owns or leases or ceases to meet the other requirements for an Accessory Seasonal Employee Residential Use contained in Abbotsford Zoning Bylaw, 1996, the Grantor shall forthwith remove or demolish the Building from the Lands;

OR

- (c) that if for any reason the farm operation carried out on the Lands ceases to meet the requirements for an Accessory Seasonal Employee Residential Use contained in Abbotsford Zoning Bylaw, 1996, the Grantor shall forthwith remove or demolish the Building from the Lands;
- (d) that if the Building is not removed or demolished from the Lands in accordance with this Agreement, within 30 days from receiving notice in writing from the City to do so, the City may demolish the Building from the Lands at the cost of the Grantor. It is understood that the City may demolish the Building either by itself or by contractors employed by the City;
- (e) to save harmless and indemnify the City, its officers, invitees, licencees, employees, servants and agents harmless from and against all actions, causes of action, losses, damages, costs, claims, debts, injurious affection, and demands whatsoever and by any person, whether known or unknown, which has arisen or may arise out of or in any way due directly or indirectly to the granting or existence of this Agreement including:
 - (i) any breach of any covenant or agreement on the part of the Grantor contained in this Agreement or any steps taken by the City to enforce this Agreement upon a breach by the Grantor or to obtain redress in respect of any such breach; and
 - (ii) any injury to persons, including bodily injury and death or damage to or a loss of property on or about the Lands; and
- (f) to do or cause to be done, at the expense of the Grantor, all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the New Westminster Land Title Office, save and except those specifically approved in writing by the City or in favour of the City.

2. IT IS MUTUALLY UNDERSTOOD, agreed and declared by and between the parties hereto that:

- (a) the City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement;

- (b) nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which, may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Grantor;
- (c) in addition to this agreement being contractual in nature, the covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and shall be covenants the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Grantor herein shall accrue solely to the City and that this Agreement may be modified by agreement of the City with the Grantor, or discharged by the City, pursuant to the provisions of Section 219 of the Land Title Act;
- (d) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require;
- (e) this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns;
- (f) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement;
- (g) this Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia; and
- (h) if any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

The Parties acknowledge that this Agreement has been duly executed and delivered by executing the Form C and D attached hereto.

<> include "END OF DOCUMENT" if this is the last page, otherwise delete

Source: Starke, J. March 29, 2010. Memorandum to Salt Spring Island LTC: Housing for Farm Workers on Salt Spring Island.

Appendix I
Facilitator Notes and “Dot”mocracy Outcomes
September 15, 2010 Trust Council Food Security Workshop

Facilitator notes

Theme: Wild Food/ Wild Lands

Challenges:

Too many people to feed (scale) locally

- Exp: gone to industrial agriculture
- Local government action:
 - balance between harvesting and protection
 - encourage wild harvest (selfish)

Pollution

- Exp: deteriorating environments
- Local government action:
 - work with Health Authorities
 - encourage land-based mariculture

Education

- If aware of mushrooms, would eat more mushrooms (& berries & greens)

Theme: Water

Challenges:

Seasonal water shortages

- Exp: storage, appropriate crops/ intensity, profitability
- Local government action:
 - DPAs
 - Groundwater regulation

Leaching of soils

- Soil amendments
- Retain run-off

Right to farm allows chemical use, which threatens water quality

Rewarding good land management in riparian areas

Theme: Education and Community Farming (actions)

1. Local Island Education: link to schools and bring in elders and farmers to educate our youth.
2. Link our youth + agricultural community to the larger community through workshops.
3. Develop a food registry of wants to farm and who wants to provide land for farming.
4. Lobby province to address obstructive regulations to local agriculture

Community Gardening Actions:

1. Promote local trade in agricultural products at farmers' markets, co-ops, etc.
2. Allow community kitchens
3. Allow + promote (community amenity) community garden allotments
4. Protect nature's food sources (berries, mushrooms) through natural area protection initiatives
5. Allow for food co-ops, community kitchens in zoning

Themes: Local Distribution/ Direct Marketing and Access

Local OP/ Models

- Galiano Farmers Market
- Local group takes on marketing, local initiative
- IT could support formally, funding
- Cut back ferry, forced to shop at home
- Market food is sold out- so is being bought
- Internet marketing
- Unique solutions on each island- some islands surplus food goes to waste

More Infrastructure

- Need an export market? But export = import
- Local stores selling local produce- some islands do not have a store
- Extra from market could go to local store
- Develop infrastructure to encourage sell locally- G.C mobile abattoir, cold storage, support by zoning, advocacy, funding.
- Supply of raw material for farming e.g. hay
- Why growing food on marginal land + livestock that require importing food- lack of infrastructure
- Box program, CSAs- support + develop
- ALR limitation on sale of non-farm products, should allow more related sales

Policy

- Community composting- infrastructure- community driven composting- sell or give back to farmers

Infrastructure

- Composting- waste management planning, RD responsibility
- Compost- required volume to make it work
- Deer eat local grown foods
- Co-op food growing- on donated lands
- Take land cost out of equation, makes food more accessible
- Food banks- not on all islands, not good at handling fresh food, mainly canned
- Collect surplus food from community gardens for distribution
- Emergency food- X-mas box programs on some islands- volunteer driven

Community Driven Initiatives

- Seniors gardens + other groups developing community gardens
- Zoning for farmers markets becoming bigger and zoning becoming an issue (can be a barrier to markets being successful): use school grounds, parking lots

Cost off vs. on (island)

- Need to pay more for food so farmers can be viable
- Issue- leaving island to shop at big box stores instead of shopping on island: people tend to shop once a week, daily shopping usually conducive to shop locally
- Choice: support locally or big box
- Local shopping generally costs more than off island
- Limited land on island suitable for local retail
- Zoning on Gabriola "limited markets"- why?

- Food delivered from off-island to local business “camps”- why? Cheaper to bring food from off-island.
- Cost of preparing local food vs. pre-packaged from off-island

Themes: Housing and Land

- Housing on marginal land- tailored to each parcel (includes whole housing footprint)
- Less focus on temporary housing
- Agri-tourism standards for farm worker housing
- Regional farming Trust Fund:
 - Support land acquisition
 - Training
 - Economic incentives
- More messaging and vision for local food on each island- tailored to each island's need and strengths
- Covenants/ agreements that bind type of housing on farms/ ALR
- ALC to also focus on small-scale
- Same legal instruments for affordable housing used to support farm worker housing
- Mobile homes are permitted (under ALC), if successful, move to a more permanent structure
- Difficult for small-scale intensive farming to prove need
- Housing agreements- affordable housing for farm workers- create a model agreement. But what about monitoring?
- Mobile unit does not convey a sense of long-term investment in the land (lobby ALC to agree to larger mobile units)
- See food producing lands as part of a resource (like “natural” lands), same mechanism to protect parks- systems of parks, systems of farms to be leased to young farmers.
- Tennant farmers, living on the land, leasing the land.
- Gain a sense of what it takes to support a population on an island- put that land aside and protect it.
- Getting the word out about local food- collaboration and knowledge sharing
- People willing to put more into backyard gardening than buying local- transition strategy
- Don't prohibit backyard “victory” gardens and associated activities.
- Linking producers, consumers and social agencies; local government to facilitate this
- Need to support a local market to changes people's choices: education, capture the knowledge before it disappears.
- Trust to be a champion , facilitate, funding, and agriculture stewardship award.
- Develop brochures: agriculture in the Gulf Islands, facts
- Bringing people from the outside to speak and inspire

Themes: Local Processing and Waste Management

- Gabriola- model language (OCP/ LUB)
 - community kitchens
 - local processing
 - related to local agriculture, in ALR (non-farm uses)
- Barriers to composting? Communal composting- keeping waste on-island, bear protection
- Camps- gardening, waste capture
- Education/ awareness/ encouragement

- Gleaning/ Sharing
- Community Kitchen- commercial zone
- Amenity zoning- land / infrastructure, who manages?
- Crown land acquisition- farmland TFB
- Community farms- growing food together
- Lasqueti- Abattoir permission- remote location
- Mobile abattoir
- Storage: co-ops- zoning? Sponsor re-zoning, accommodate in LUBs.
- Arable land not used: get used (mapping), putting land in ALR, change zoning (based on agricultural capability outside ALR).
- Agro NAPTEP

Dot-mocracy Exercise

- Develop DPAs that protect riparian areas for water use as well as riparian protection
- Advance groundwater regulation with the Province
- Find ways to reward good land management and associated water use (8 votes)
- Develop regulations with a balance between harvesting and protection (1 vote)
- Work with Health Authorities to reduce pollution of water and lands (e.g. waste disposal) (1 vote)
- Encourage land based mariculture (1 vote)
- Educate residents about safe wild foods (eat mushrooms and berries)
- Encourage ALC to pursue housing on marginal land on a case by case basis
- Employ agri-tourism standards (cottages vs. mobile homes) for housing
- Support a regional farming trust fund (13 votes)
- Employ covenants and housing agreements on ALR land (pursue same legal instruments as affordable housing); create a model agreement
- Support small-scale farmers in proving need for worker housing (5 votes)
- Encourage larger mobile units for housing
- Protect farmland like we protect parks; a system of farmlands protected (2 votes)
- Encourage + support backyard gardening (1 vote)
- Study and map farmland and potential for supporting ourselves via local food (1 vote)
- Produce more information materials about local food
- Serve as a facilitator linking consumers, producers and social organizations (4 votes)
- Create an agricultural stewardship award (1 vote)
- Support local farmers markets with funding
- Encourage & support internet marketing of local food products
- Policy, zoning, advocacy to support or encourage local food outlets and stores (1 vote)
- Policy + advocacy to develop infrastructure for on-island food processing and storage (8 votes)
- Policy, advocacy and funding for community supported agriculture (CSA)
- Advocacy to remove or reduce ALC limitation on related sales on farms as a means to support on-island farming (1 vote)
- Policy + advocacy to develop on-island community driven composting
- Policy to encourage co-op food growing
- Develop specific zoning for farmers markets
- Advocacy or policy to encourage on-island shopping and discourage off-island shopping (1 vote)
- Develop model language for promoting communal kitchens and local processing facilities for OCPs and LUBs (1 vote)

- Encourage communal composting facilities (5 votes)
- Provide education and encouragement for composting (2 votes)
- Permit community kitchens in commercial zones
- Advocate for community mobile abattoirs (2 votes)
- Map productive + arable agricultural lands including those not in the ALR (3 votes)
- Sponsor rezonings for agricultural infrastructure (storage, processing facilities)
- Promote community farms (1 vote)
- Develop agricultural NAPTEP
- Acquire crown lands for farming (2 votes)
- Promote gleaning and food sharing
- Focus on golf courses and landscape design (shift) in schools - food basics - on islands we can reach people - workshops.
- Educate - place money where your mouth is - invest in local rather than costco
- Reach into public schools to educate - mentor with elders
- Link educators with community
- Conversation with adults re true costs of food - provides reasoning for adults to invest in food
- Identify geographic origins of food
- Fundraising for farmers.
- Galiano - food registry - who can farm - make community gardens available who wants to farm - workshops.
- Food gleaning - pick surplus food
- Meat - provincial obstacles to slaughtering etc - meat sustainability.
- Paid coordinator to facilitate community gardening
- What is local? Should there be interisland?
- Look at sharing of islands residents of 1960s and 1970s
- Fund and allow community kitchens.
- Garden allotments
- Food from nature - berries, mushrooms
- Food donations - hope kitchen/food banks
- Cooperative - joint production.

Grouping according to action duplication across themes

Following the workshop, staff analyzed the data above and discovered that several similar actions had been identified across several different policy themes, and iterations of the same action had been voted on more than once. Staff decided to group similar actions and associated votes in order to reflect commonalities between policy themes. Below are the top 7 priorities according to votes:

Group theme: Protect agricultural lands through land trust and park mechanisms (17 votes)

Support a regional farming trust fund (13 votes)

Protect farmland like we protect parks; a system of farmlands protected (2 votes)

Acquire crown lands for farming (2 votes)

Group theme: Develop food processing and storage (11 votes)

Policy + advocacy to develop infrastructure for on-island food processing and storage (8 votes)

Develop model language for promoting communal kitchens and local processing facilities for OCPs and LUBs (1 vote)

Advocate for community mobile abattoirs (2 votes)

Group theme: Reward agricultural land stewardship (9 votes)

Find ways to reward good land management and associated water use (8 votes)

Create an agricultural stewardship award (1 vote)

Group theme: On-island composting (7 votes)

Encourage communal composting facilities (5 votes)

Provide education and encouragement for composting (2 votes)

Support small-scale farmers in proving their need for worker housing (5 votes)

Group theme: Study and map agricultural lands (4 votes)

Study and map farmland and potential for supporting ourselves via local food (1 vote)

Map productive + arable agricultural lands including those not in the ALR (3 votes)

Serve as a facilitator linking consumers, producers and social organizations (4 votes)

Explanation of the concept of “Agricultural Parks”

The concept of Agricultural Parks (AgParks) has become more prevalent in the U.S in the past several years. In general, AgParks are areas where small farms, public areas, and natural habitat are intentionally integrated in an effort to conserve the natural and working landscape, support small-scale farmers and foster public education and passive recreation. AgParks can be located on public or private land; a key factor in determining how the space is managed and funded. The management and operation of public AgParks requires collaborative partnerships between public agencies, educational facilities, local non-profits and community groups. AgParks can also include historical buildings, research sites, allotment or demonstration gardens, and interpretive areas.

While there are no official AgParks in Canada, there are many small-scale farms that operate within a mandate of sustainable agriculture, ecological conservation and public education. Exploring the concept of AgParks in the Trust Area could provide some answers to identified challenges to local food security such as a lack of affordable land for new farmers and the real and perceived competition between agriculture and park land uses.

For more information please visit SAGE (Sustainable Agriculture Education) at www.sagecentre.org and download the Urban Edge Agricultural Parks Toolkit www.sagecenter.org/resources/publications/

Source: Sustainable Agriculture Education (SAGE). 2005. *Urban Edge Agricultural Parks Toolkit*. Berkeley, California. www.sagecentre.org.



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March 3, 2011

Hornby Island Local Trust Committee

Dear Trustees:

Re: Exploring Food Security in the Islands Trust Area

Attached is a copy of an Islands Trust report "Exploring Food Security in the Islands Trust Area" dated November 16, 2010. The report provides information about food security and food systems and serves as a foundation for further work on local policies and actions to support food security. It contains an overview of global, national and provincial food systems and statistics. It focuses on local issues and opportunities through ten food security related policy themes: land, housing, water, wild foods/lands, processing, distribution, access, education, community agriculture and water management.

Food security is currently part of the Islands Trust Council's Strategic Plan. Following receipt of the food security report in December 2010, Trust Council resolved to continue to include and strengthen food security in the Strategic Plan by measuring success as how many protocols are revised or developed to include food security and how many Local Trust Committee Official Community Plans and Land Use Bylaws are amended to address food security. Recognizing that the report will be of interest to other agencies and communities, Islands Trust Council asked staff to provide copies of the report to the Islands Trust Fund Board, local trust committees and Bowen Island Municipality for consideration of the recommendations and to provincial agencies, regional districts, First Nations, interest groups and the general public for their information.

To implement policies and regulations to address food security, Local Trust Committees will need to amend their work programs to include Official Community Plans and Land Use Bylaws amendments for food security. This could be a stand-alone program focused on food security or part of an existing or upcoming Official Community Plan and Land Use Bylaw review.

Over the following months, Trust Council will continue to undertake further work on food security and explore ways to implement some of the recommendations contained in the report. For example, Trust Council has suggested that the Islands Trust Fund Board explore the feasibility of establishing a farm land trust, and has asked Islands Trust staff to undertake further research and report back with recommendations for additional work. Trust Council also resolved to develop internal organizational policies and procedures regarding procurement that support local food security, to include food security in the topic review inventory for the Islands Trust Policy Statement and to include food security in any reviews of existing protocols and explore opportunities to develop new protocols around food security.

The Islands Trust Council is a federation of independent local governments that represents some 25,000 people living within the Islands Trust Area. The Islands Trust is responsible for preserving and protecting the unique environment of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

For printed copies of the report "Exploring Food Security in the Islands Trust Area" please contact Stephanie Somers at 250-405-5175 or by email ssomers@islandstrust.bc.ca. Additional information is also available on our website at www.islandstrust.bc.ca under the "Food Security" link.

Sincerely,

Sheila Malcolmson
Chair, Islands Trust Council

Encl: Exploring Food Security in the Islands Trust Area – report



Population:
Approximately 1,074

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.

December 2010

- [Hornby Island Local Trust Committee Business Meeting Schedule - 2011](#)

October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

August 2010

- [Tax-Incentive to Conserve Land Arrives on Denman and Hornby](#)

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Hornby Island Local Trust Committee Projects

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 \(October 2009\)](#)
- [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

- [Draft Hornby Island Local Trust Area ecosystem maps and feedback form](#)

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Applications

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](#)

HO-DVP-2009.1 and HO-DP-2010 (Fredbeck)

- [Staff Report dated September 17, 2010](#)
 - [Memorandum dated September 17, 2010 - Correspondence](#)

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](#)

Official Community Plan and Land Use Bylaw Review

- [OCP/LUB Project Terms of Reference - November 2009](#)
- [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](#)

Short Term Vacation Rentals

- [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](#)

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Hornby Island Local Trust Committee Workprogram

- [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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