



# Hornby Island Local Trust Committee

## Regular Meeting Agenda

Date: January 27, 2017  
Time: 11:30 am  
Location: New Horizons  
1765 Sollans Road, Hornby Island, BC

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|                                                                                                                                                        | <b>Pages</b>               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>1. CALL TO ORDER</b>                                                                                                                                | <b>11:30 AM - 11:50 AM</b> |
| <i>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</i> |                            |
| <b>2. APPROVAL OF AGENDA</b>                                                                                                                           |                            |
| <b>3. TOWN HALL AND QUESTIONS</b>                                                                                                                      |                            |
| <b>4. COMMUNITY INFORMATION MEETING - none</b>                                                                                                         |                            |
| <b>5. PUBLIC HEARING - none</b>                                                                                                                        |                            |
| <b>6. MINUTES</b>                                                                                                                                      |                            |
| 6.1 Local Trust Committee Minutes dated December 2, 2016 for Adoption                                                                                  | 4 - 11                     |
| 6.2 Section 26 Resolutions-without-meeting Report dated January 18, 2017                                                                               | 12 - 12                    |
| 6.3 Advisory Planning Commission Minutes - none                                                                                                        |                            |
| <b>7. APPLICATIONS AND REFERRALS</b>                                                                                                                   | <b>11:50 AM - 12:50 PM</b> |
| 7.1 HO-LCB-2016.1 Seabreeze Lodge - Staff Report                                                                                                       | 13 - 34                    |
| 7.2 HO-OTH-2016.1 TELUS Antenna Siting Proposal - Staff Report                                                                                         | 35 - 68                    |
| <b>8. BUSINESS ARISING FROM MINUTES</b>                                                                                                                | <b>12:50 PM - 1:10 PM</b>  |
| 8.1 Follow-up Action List dated January 18, 2017                                                                                                       | 69 - 70                    |
| 8.2 Standing Resolution re Bylaw Enforcement - Follow Up - Staff Report                                                                                | 71 - 73                    |
| <b>9. DELEGATIONS</b>                                                                                                                                  | <b>1:10 PM - 1:30 PM</b>   |
| 9.1 Grant Scott, Conservancy Hornby Island                                                                                                             |                            |

**10. CORRESPONDENCE**

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

**11. BREAK** 1:30 PM - 1:45 PM

**12. LOCAL TRUST COMMITTEE PROJECTS** 1:45 PM - 2:30 PM

**12.1 Community Housing Amendments - Island Secure Land Association (ISLA) Community Housing Project**

12.1.1 Staff Report 74 - 88

**12.2 Vacation Home Rentals Policy Review - Draft Project Charter**

12.2.1 Staff Report 89 - 91

**12.3 Relationship Building with K'omoks First Nation - verbal update**

**13. REPORTS** 2:30 PM - 2:45 PM

**13.1 Work Program**

13.1.1 Top Priorities Report dated January 18, 2017 92 - 92

13.1.2 Projects List Report dated January 18, 2017 93 - 94

13.1.3 Hornby LTC 2014-2018 Term Goal Setting Session 95 - 97

13.1.4 Work Program - Suggestions for Discussion 98 - 99

**13.2 Applications Report dated January 18, 2017** 100 - 100

**13.3 Trustee and Local Expense Report dated November, 2016** 101 - 101

**13.4 Adopted Policies and Standing Resolutions** 102 - 102

**13.5 Local Trust Committee Webpage**

**13.6 Chair's Report**

**13.7 Trustee Reports**

**13.8 Electoral Area Director's Report**

**13.9 Trust Fund Board Report - none**

**14. NEW BUSINESS** 2:45 PM - 3:05 PM

**14.1 Shoreline Protection Material - Memorandum** 103 - 103

**14.2 Information for New Home Buyers - discussion**

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for March 31, 2017 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC**

**16. TOWNHALL** 3:05 PM - 3:15 PM

17. CLOSED MEETING - none

18. ADJOURNMENT

3:15 PM - 3:15 PM



## Hornby Island Local Trust Committee Minutes of Regular Meeting

**Date:** December 2, 2016

**Location:** New Horizons  
1765 Sollans Road, Hornby Island, BC

**Members Present:** Laura Busheikin, Chair  
Alex Allen, Local Trustee  
Tony Law, Local Trustee

**Staff Present:** Ann Kjerulf, Regional Planning Manager  
Marnie Eggen, Island Planner  
Fiona MacRaid, Senior Intergovernmental Policy Advisor  
Vicky Bockman, Recorder

**Others Present:** Approximately two (2) members of the public

### 1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She welcomed the public and introduced Trustees, staff and the recorder.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

14.2 Information for New Property Owners – Discussion

**By general consent** the agenda was adopted as amended.

### 3. TOWN HALL AND QUESTIONS

Dr. David Wiseman noted that he is a property owner in the neighbourhood of the Sea Breeze Lodge and stated his opposition to their application to change an existing liquor licence. He objected to the noise and the effect of alcohol on event participants with limited RCMP presence to handle any potential safety issues, and expressed concern regarding the possibility for increase in these factors. He suggested that no amplified music outdoors after 11:00 pm and efforts by Sea Breeze management to diminish loud activities might help to mitigate the negative impacts of these events. He submitted his correspondence for the record.

### 4. COMMUNITY INFORMATION MEETING - none

### 5. PUBLIC HEARING - none

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated October 14, 2016 - for Adoption**

The following amendment to the minutes was presented for consideration:

Page 8, item 13.5, HO-2016-047, second line: insert "it" after "forward".

**By general consent** the minutes were adopted as amended.

**6.2 Section 26 Resolutions-Without-Meeting - none**

**6.3 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated November 23, 2016**

Received.

**8. DELEGATIONS - none**

**9. CORRESPONDENCE - none**

**10. APPLICATIONS AND REFERRALS**

**10.1 Bylaw No. 153**

**HO-2016-050**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 153, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2016", be adopted.

**CARRIED**

**10.2 HO-LCB-2016.1 Sea Breeze Lodge - Staff Report**

Planner Eggen presented the staff report addressing an application to change an existing food-primary liquor licence for the Sea Breeze Lodge to allow for patron participation entertainment, and outlined the parameters of the current and requested licence. She reported that comments unsupportive of the application were received from neighbouring residents based on concerns including the noise, traffic and the possibility that the change may result in the establishment operating in a manner contrary to its primary purpose.

Trustees discussed the issues and responses, considering the economic benefit that significant wedding business brings to the community, and the needs of the neighbours. They suggested that the Local Trust Committee's response provided to the Liquor Control and Licensing Branch might include amending the licence to add specific conditions to address the issues of concern and be accompanied by the letters received.

**By general consent** the meeting was recessed at 12:12 pm and reconvened at 12:28 pm.

**HO-2016-051**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch that it has considered application HO-LCB 2016.1 (Sea Breeze Lodge) for a “food-primary entertainment endorsement” to allow patron participation entertainment and recommends that the endorsement only be issued if the following conditions are met:

1. The licence is amended to specify that entertainment only take place within the restaurant building and not outdoors such as on patios;
2. Entertainment and the serving of liquor ends no later than 12:00 am and preferably at 11:00 pm on days of the week other than Saturday (to reduce the potential for after-midnight disturbance in the neighbourhood on consecutive nights);
3. The Liquor Control and Licensing Branch is satisfied that entertainment will only take place in association with, and secondary to, the serving of food in accordance with the requirements of a food-primary licence and the zoning of the restaurant building for restaurant use only; and
4. The Liquor Control and Licensing Branch is satisfied that the applicant has taken reasonable measures to prevent disturbances, including those emanating from patrons on or leaving the premises, as reported by residents under the existing license;

And provides the following comments:

- A. Noise from existing activities is already a concern in the neighbourhood. The proposed endorsement could generate more noise in that music provided for dancing tends to be louder than music provided for listening. Dancing can also generate more high-spirited behaviour with resulting increase in noise.
- B. Weddings taking place at Sea Breeze provide valued economic benefits for the community. However, these events need to be managed well to maintain the rural character of that part of the island.
- C. If an endorsement enables patron participant entertainment, i.e., dancing, it would be desirable to have continuing monitoring to ensure that dancing remains secondary to food service.

**CARRIED**

**HO-2016-052**

**It was MOVED and SECONDED,**

that the submissions by residents with respect to the Sea Breeze application for an endorsement to their liquor licence be forwarded to the Liquor Control and Licensing Branch.

**CARRIED**

Trustees recognized that these conditions placed on the licence would provide reasonable measures to address concerns and provide a basis for the Liquor

Control and Licensing Branch to encourage Sea Breeze Lodge to work with neighbours to ensure a satisfactory outcome.

## **11. LOCAL TRUST COMMITTEE PROJECTS**

### **11.1 Relationship Building with K'omoks First Nation – for discussion**

Fiona MacRaid, Senior Intergovernmental Policy Advisor, provided recommendations for pursuing the Top Priority of Relationship Building with K'omoks First Nation. Her suggestions included the following key points:

- Hornby and Denman Islands might work together on a joint project;
- This project might encompass two stages with an event held on each island;
- The purpose, timing, format, funding, possible invitees, key factors to consider for a successful outcome, and options for meeting discussion topics were considered; and
- The preparation of an action plan for Local Trust Committee (LTC) consideration was proposed as the next step in the process.

Trustees discussed the proposed options for the relationship-building events and expressed support for the concept.

#### **HO-2016-053**

**It was MOVED and SECONDED,**

that staff be requested to develop an Event Plan with respect to Hornby and Denman Local Trust Committees working together for an initial K'omoks community and First Nation long-term, sustainable relationship building event.

**CARRIED**

**By general consent** agenda item 16 was moved to follow 11.1.

## **16. TOWNHALL**

A community member spoke regarding the Sea Breeze Lodge application to change their liquor licence, and expressed concerns relating to traffic issues. She suggested that more signage on the road to slow down speeding drivers and signage at the corner providing directions to the Lodge would be helpful.

Trustees summarized action that had been taken earlier in the agenda on this matter and suggested that she might speak to Sea Breeze Lodge management to provide specific ideas of how to work with the community to address concerns.

**By general consent** agenda item 13 was moved to follow 16.

## **13. BREAK**

The meeting was recessed at 1:23 pm and reconvened at 1:45 pm.

## **12. REPORTS**

### **12.1 Work Program**

#### **12.1.1 Top Priorities Report dated November 23, 2016**

Received.

#### **12.1.2 Projects List Report dated November 23, 2016**

Received.

#### **12.1.3 Hornby LTC 2014-2018 Term Goal Setting Session**

Received.

#### **12.1.4 Work Program - Suggestions for Discussion**

Received.

### **12.2 Applications Report dated November 23, 2016**

In response to a Trustee inquiry, Regional Planning Manager Kjerulf reported that Planner Milne will continue to work on the file for Islanders' Secure Land Association's project.

### **12.3 Trustee and Local Expense Report dated October, 2016**

Received.

### **12.4 Adopted Policies and Standing Resolutions**

Trustees recognized that an existing Standing Resolution requires correction and updating as a result of the completion of the Official Community Plan review and requested that the item be placed on the agenda with a staff report for the next meeting.

### **12.5 Local Trust Committee Webpage**

Trustees requested that when advertisements or notifications are placed in print media, such as those for Advisory Planning Commission expressions of interest or Liquor Control and Licensing Branch applications, that they also be placed on the webpage so that social media links can be established. They confirmed that information on the proposed First Nations events will be placed on the website when available.

### **12.6 Chair's Report**

Chair Busheikin reported on the following:

- She is looking forward to attending Trust Council next week;
- Executive Committee has been working through business items; and

- She participated in a webinar regarding organizing public outreach/consultation campaigns and recommended the program.

## **12.7 Trustee Reports**

Trustee Allen remarked that he will be attending Trust Council next week.

Trustee Law reported on the following:

- He was not able to attend a Ferry Advisory Committee meeting due to a conflict, however, he will attend an upcoming ferry scheduling sub-committee meeting;
- He reported on his work with the Water Stewardship Committee to assist in providing relevant information pertaining to development of a Water Plan;
- He has been working with Conservancy Hornby Island on the Marine Protection Plan; and
- He has been liaising with Hornby Island Residents and Ratepayers Association's Housing Committee.

## **12.8 Electoral Area Director's Report - none**

## **12.9 Trust Fund Board Report**

Trustee Law provided a Trust Fund Board update. He reported on a Land Trust Alliance meeting he attended that included a valuable presentation on climate change and the presentation of an award to Island Trust's Ecosystem Protection Specialist, Kate Emmings, in recognition of her ability to establish relationships that assist in conservation.

# **14. NEW BUSINESS**

## **14.1 Telecommunications Facility Proposal - Options for Public Consultation Process**

Regional Planning Manager Kjerulf presented the staff report addressing the intention of TELUS to submit a proposal to Industry Canada for a new antenna tower on Hornby Island. She reported that this does require a public consultation process and utilization of Industry Canada's Default Public Consultation Process is recommended.

Trustees discussed the proposal and expressed concern regarding the intended location of the tower on the TELUS lot on Central Road. They suggested that the proponent might be requested to consider alternative locations in consideration of the public's interest.

### **HO-2016-054**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee confirm with the proponent that it will follow Industry Canada's Default Public Consultation Process for the anticipated microwave radio tower proposal from TELUS.

**CARRIED**

**HO-2016-055**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee communicate to Hornby Island residents, information regarding public consultation procedures for antenna siting proposals.

**CARRIED**

**HO-2016-056**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to work with the proponent to prepare a consultation work plan and draft notification package to be reviewed by the Local Trust Committee at a future meeting.

**CARRIED**

**HO-2016-057**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to suggest that the proponent consider identifying possible alternative sites which align with Official Community Plan policies that could be presented through a community consultation process.

**CARRIED**

Discussion followed and it was determined that Trustees and staff will arrange advertising and venues for the consultation process.

**14.2 Information for New Property Owners – Discussion**

Trustee Law reported that in following up with the need to develop information for distribution to new residents and property owners, he has gathered information and drafted a letter. He noted that this draft has been reviewed with the Islands Trust Communications Specialist and advised that the next step would be reviewing this draft with other LTC members and the Senior Intergovernmental Policy Advisor for their input.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for January 27, 2017 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC**

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

**17. CLOSED MEETING**

**17.1 Motion to Close the Meeting**

**HO-2016-058**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) for the purpose of considering: (c) Labour Relations (d) Adoption of In-Camera Meeting Minutes Dated June 10, 2016 and (f) Bylaw Enforcement and that the recorder and staff attend the meeting.

**CARRIED**

The meeting was closed to the public at 2:35 pm.

**17.2 Recall to Order**

**By general consent** the meeting was recalled to order at 2:49 pm.

**17.3 Rise and Report**

Chair Busheikin reported that in the Closed Meeting the LTC adopted *In-Camera* meeting minutes dated June 10, 2016 and received a staffing update.

**18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:50 pm.

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Laura Busheikin, Chair

Certified Correct:

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Vicky Bockman, Recorder



Islands Trust

Print Date: January 18, 2017

## Resolutions Without Meeting

### Hornby Island

| Resolution # | Action    | Resolution Description                                                                                                                                                                                                                                           | Resolution Date |
|--------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 2017-01      | In Favour | "THAT the Hornby Island Local Trust Committee authorize Chair Busheikin to execute the Covenant attached to the memorandum dated January 6, 2017 for 1000 Carmichael Road, legally described as Lot C, Section 16, Hornby Island, Nanaimo District, Plan 30237." | 06-Jan-2017     |
| 2017-02      | In Favour | "That the Hornby Island Local Trust Committee release funds to advertise in the Hornby/Denman Grapevine for expressions of interest regarding the Hornby Island Advisory Planning Commission."                                                                   | 11-Jan-2017     |



File No.: HO-LCB-2016.1 (Sea Breeze Lodge Ltd.)

DATE OF MEETING: January 27, 2017  
TO: Hornby Island Local Trust Committee  
FROM: Marnie Eggen, Island Planner  
Northern Team  
SUBJECT: Reconsideration of application to change an existing liquor licence for Sea Breeze Lodge, Hornby Island

## PURPOSE

The purpose of this memo is to request that the Hornby Island Local Trust Committee (LTC) reconsider the above mentioned application. The reason for reconsideration is that the applicant feels that they were not provided sufficient opportunity to be heard. It is the belief of staff that the applicant was not aware that their application would be considered and, furthermore, that public input would be obtained at the LTC business meeting held December 2, 2016. The right to be heard is a fundamental common law principle.

Reconsideration also warrants an opportunity for members of the public to provide further comment, and as such re-notification will be placed in the Little Tribune prior to the LTC meeting (see attachments). Two new public comments were received prior to the completion of this staff memo and were forwarded to the LTC. The comments were both supportive, noting the economic benefits of their operation to the Island. Any additional comments received prior to the January 27, 2017 LTC meeting will be forwarded to the LTC. No new information from the applicant was received prior to the completion of this staff memo.

In re-considering the application, the LTC is provided the previous staff report (see attachments) that provides an overview of the referral application, including background, previously received comments from the public, and staff recommendations and alternatives. Staff make no further recommendations at this time; however, staff advise that the LTC should include in their re-consideration of this application the following:

- all public submissions regarding the application received up until the January 27, 2017 LTC meeting, and
- any additional comments received from the applicant.

Should the LTC decide to move forward with different resolutions than those made at the December 2<sup>nd</sup> LTC meeting, the following should be considered:

- options available:
  - rescind the previous resolution(s) and pass new resolution(s); or
  - amend the previous resolution(s).
- new or amended resolutions should provide the following information as requested by the LCLB:
  - comments on the regulatory criteria (potential for noise, impact on the community, and if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose); and

- views of residents, and the LTC comments and recommendations on the views, and the method used to gather comments.

## **BACKGROUND**

The Sea Breeze Lodge application was considered by the LTC at their December 2, 2016 business meeting and the following resolutions were passed:

### **HO-2016-051**

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch that it has considered application HO-LCB 2016 (Sea Breeze Lodge) for a “food-primary entertainment endorsement” to allow patron participation and recommends that the endorsement only be issued if the following conditions are met:

1. The licence is amended to specify that entertainment only take place within the restaurant building and not outdoors such as on patios;
2. Entertainment and the serving of liquor ends no later than 12:00 am and preferably at 11:00 pm on days of the week other than Saturday (to reduce the potential for after-midnight disturbance in the neighbourhood on consecutive nights);
3. The Liquor Control and Licensing Branch is satisfied that entertainment will only take place in association with, and secondary to, the serving of food in accordance with the requirements of a food-primary licence and the zoning of the restaurant building for restaurant use only; and
4. The Liquor Control and Licensing Branch is satisfied that the applicant has taken reasonable measures to prevent disturbances, including those emanating from patrons on or leaving the premises, as reported by residents under the existing license;

And provides the following comments:

1. Noise from existing activities is already a concern in the neighbourhood. The proposed endorsement could generate more noise in that music provided for dancing tends to be louder than music provided for listening. Dancing can also generate more high-spirited behaviour with resulting increase in noise.
2. Weddings taking place at Sea Breeze provide valued economic benefits for the community. However, these events need to be managed well to maintain the rural character of that part of the island.
3. If an endorsement enables patron-participant entertainment, i.e., dancing, it would be desirable to have continuing monitoring to ensure that dancing remains secondary to food service.

### **CARRIED**

### **HO-2016-052**

It was MOVED and SECONDED,

that the submissions by residents with respect to the Sea Breeze application for an endorsement to their liquor licence be forwarded to the Liquor Control and Licensing Branch.

### **CARRIED**

Subsequently, the following Resolution Without Meeting (RWM) passed on December 22, 2017:

*“That the Hornby Island Local Trust Committee reconsider the Application for a Permanent Change to a Liquor License for Sea Breeze Lodge Ltd. at the next business meeting of the Hornby Island Local Trust Committee, advise the Liquor Control and Licensing Branch and request staff to provide notification in the Little Tribune of the reconsideration of the application by the LTC at their next business meeting.”*

## NEXT STEPS

Staff will forward the following to the Liquor Control Licensing Branch (LCLB) in order to comply with section 53 of the *Liquor Control and Licencing Regulation*:

- a copy of the staff report considered at the December 2, 2017 LTC meeting (for background),
- this staff memo, and
- the final resolutions from the January 27, 2017 LTC meeting.

|               |                                                     |                  |
|---------------|-----------------------------------------------------|------------------|
| Submitted By: | Marnie Eggen, MCIP, RPP<br>Island Planner           | January 10, 2017 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | January 13, 2017 |

## ATTACHMENTS:

1. Staff Report Dated November 28, 2016
2. Re-notification in the Little Tribune



File No.: HO-LCB-2016.1 (Sea Breeze Lodge Ltd.)

DATE OF MEETING: December 2, 2016

TO: Hornby Island Local Trust Committee

FROM: Marnie Eggen, Island Planner  
Northern Office

SUBJECT: Application to change an existing liquor licence for Sea Breeze Lodge, Hornby Island

Applicant: Suzie Bishop

Location: 5205 Fowler Road

## RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch that it has considered application HO-LCB-2016.1 (Sea Breeze Lodge) for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment,' does not recommend the issuance of this endorsement, and provides the following comments as per the staff report dated November 28, 2016:
  - a) The potential for noise if the application is approved is not anticipated to exceed that which is currently permitted with the existing licence that includes 'patron non-participation entertainment';
  - b) The impact on the community if the application is approved is anticipated to lead to increased traffic in the local area;
  - c) If the amendment should be approved, it is unknown whether the change would result in the establishment to be operated in a manner contrary to its primary purpose, which is the service of food, or a use contrary to the Commercial 4 – Resort (C4) Zone (Sea Breeze) zone under the Hornby Island Land Use Bylaw No. 150, 2014; and
  - d) Notice regarding the amendment was published in "The Little Tribune" in order to gather the views of residents; the five residents that responded are unsupportive of the application and concerns include the noise particularly associated with weddings, the increase in traffic during events, and the possibility that the change may result in the establishment operating in a manner contrary to its primary purpose.

## REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) have requested the owners/operators of Sea Breeze Lodge to apply for a permanent change to their food primary liquor licence to include a 'food-primary entertainment endorsement.' This change to the existing licence allows 'patron participation entertainment' (i.e. dancing on a dance floor) until midnight while alcohol is being served and would be consistent with the permitted uses of the Commercial 4 - Resort (C4) zone of the Hornby Island Land Use Bylaw (LUB). There are no proposed changes to the licensed occupancy load, nor to the interior or exterior layout of the facility. However, neighbouring residents are unsupportive, noting that the change may have an adverse community impact. As per Section 11.1 of the *Liquor Control and Licensing Act*, local governments are notified of and requested to provide comments on liquor licence applications (including changes to existing liquor licences).

## BACKGROUND

The LCLB became aware of the limitations of Sea Breeze Lodge's existing liquor licence during a routine inspection. Sea Breeze Lodge is applying for a change to their existing licence to include 'patron participation entertainment' for the purposes "of hosting live bands and/or DJs to play at special events throughout the year." The most common patron participation will be wedding guest dancing. (see Attachments for a copy of the 'Application for a Permanent Change to a Liquor Licence,' the current 'Food Primary Licence' and Floor Plan).

The following is a table illustrating the parameters of the current food primary liquor licence along with the change in parameters with the requested addition of the 'patron participation entertainment' endorsement:

**Table 1:** Parameters of Sea Breeze Lodge's Current Food Primary Liquor Licence and with requested addition of 'Patron Participation Entertainment'

| Parameters Of Licence                                                                             | Current Food Primary Liquor Licence that includes 'Non Patron Participation Entertainment' (musicians, comedians etc.) | With requested 'Patron Participation Entertainment' endorsement (dine and dance or karaoke etc.) |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Licensed days and hours permitted to serve liquor & have 'non patron participation entertainment' | Mon. – Sat.: 11:00am to 1:00am<br>Sun.: 11:00am to midnight                                                            | Mon. – Sun.: 11:00am to midnight                                                                 |
| Area of establishment permitted to have liquor and 'non patron participation entertainment'       | Only inside establishment and outside on patio as per licence floor plan                                               | Only inside establishment and outside on patio as per licence floor plan                         |
| Occupancy load                                                                                    | 309 total for all of licensed area                                                                                     | 309 total for all of licensed area                                                               |

## Local Governments Roles and Responsibilities in the Provincial Liquor Licensing Process

Under the *Liquor Control and Licensing Act* (LCLA), the LCLB is required to notify and provide an opportunity for input from the local government that has jurisdiction in the area where there is an application to amend an existing licence. A local government may then choose whether or not to provide input on the application. If the local government chooses to opt out of providing input, the LCLB will gather the views of residents if the licence amendment may affect them, and the LCLB will consider the regulatory criteria by requesting additional information from the local government. Alternatively, if the local government chooses to provide input they must gather the views of residents that may be affected by the proposed establishment (if necessary) and provide the branch with a resolution within 90 days of notification. At the October 14, 2016 Hornby Island Local Trust Committee (LTC) meeting, the LTC chose to gather the views of residents and provide a resolution (see below for October 14<sup>th</sup> resolutions).

The document "*Local Governments and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: Guide for Local Governments and First Nations*"<sup>1</sup> ("The Guide") characterizes the role of local government in the application process as follows (**emphasis added**):

*Local governments are responsible for addressing issues at the local or community level and often regulate areas such as **noise, parking and fire safety surrounding licensed establishments**. As they address issues at the local level, local governments ... are best situated to understand the potential impact of a licensed establishment on a community.*

<sup>1</sup> "The Guide": <http://www.pssg.gov.bc.ca/lclb/docs-forms/PSSG-LocalGovt-Fst-Nation.pdf>

*Accordingly, the local government ...role in the licensing process is designed to allow local governments ... to **consider the impact of the licence application on their community** and to **provide comments in the form of a resolution**.*

Despite the wide breadth of regulatory criteria that may be considered for new liquor licence applications, this application is required to consider a select few regulatory criteria since it is a **change to an existing licence**. In evaluating food-primary licensing, “*The Guide*” requires local governments to provide a resolution within 90 days after receiving notification. The local government must provide a resolution that includes:

- Comments on both points in the regulatory criteria (potential for noise if the application is approved, and the impact on the community if the application is approved);
- Indication of whether or not the views of residents were gathered (and why if not gathered);
- The views of residents, if they were gathered;
- The method used to gather the views of residents;
- Comments and recommendations with respect to the views of residents;
- Recommendations as to whether the application should be approved; and
- The reasons for its recommendations.

The regulatory criteria for amendments to existing liquor licences require these considerations:

- the potential for noise;
- the impact on the community; and
- if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

These matters are discussed in further detail in the staff report.

### **Previous Resolutions**

The Sea Breeze Lodge Application for a Permanent Change to a Liquor Licence was considered by the Hornby Island Local Trust Committee at their October 14, 2016 business meeting. The LTC decided to conduct public consultations and respond to the Liquor Control and Licencing Branch within 90 days:

#### **HO-2016-047**

##### **It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee sign the Application for a Permanent Change to a Liquor Licence for Sea Breeze Lodge and forward to the Liquor Control Board, and subsequently conduct public consultations within ninety days, and respond to the Liquor Control Board by resolution.

##### **CARRIED**

#### **HO-2016-048**

##### **It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to advertise regarding the Application for a Permanent Change to a Liquor Licence for the Sea Breeze Lodge in the Little Tribune.

##### **CARRIED**

Staff advertised the notice of application in The Little Tribune in their October 26<sup>th</sup> edition and public comments received are summarized in the Consultation section below.

## ANALYSIS

### Policy/Regulatory:

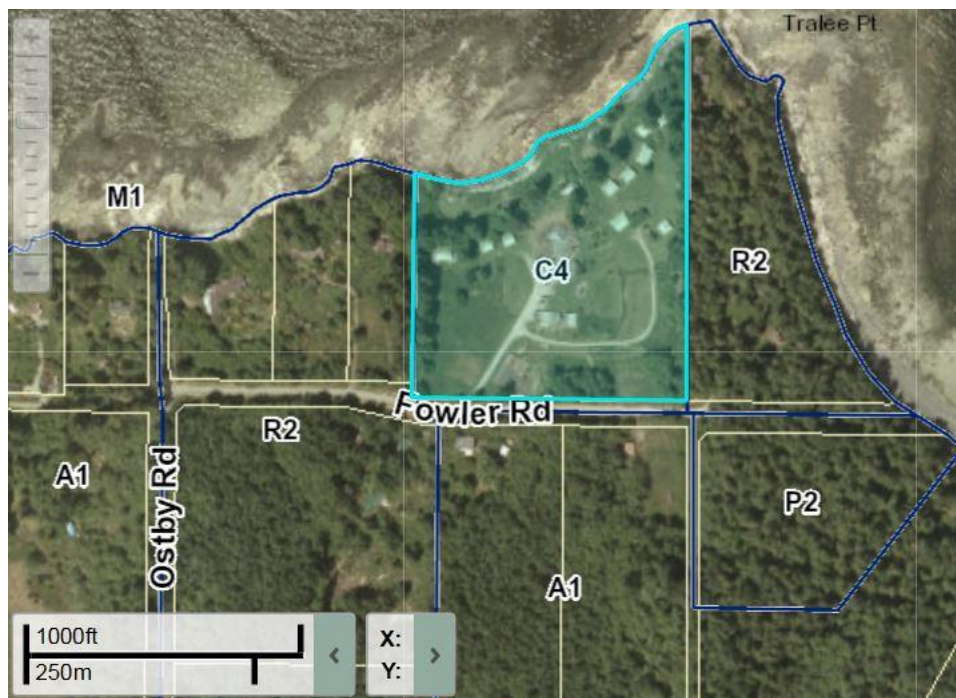
#### Official Community Plan

The Hornby Island Official Community Plan Bylaw No. 149 designates the property as Visitor Accommodation (VA). Existing and proposed uses of the subject property are consistent with this designation.

#### Land Use Bylaw

The Hornby Island Land Use Bylaw No. 150 zoning for the Sea Breeze Lodge is 'Commercial 4 - Resort' (C4) and the existing and proposed uses are consistent with the zone. Figure 1 is an aerial photograph of the subject property and applicable zoning.

**Figure 1. Aerial Photo and Zoning of the Subject Property (Sea Breeze Lodge)**



### Consultation:

Staff advertised the notice of application to amend Sea Breeze Lodge's liquor licence in the Little Tribune in their October 26th edition in accordance with the recommended methods of advertising as provided in "The Guide." (See Attachments for a copy of the notice).

Five public comments were received at the time of completion of the staff report. All five public comments were from neighbouring properties and were not supportive of the application. Concerns and comments related to the amendment are summarized below:

- loud music and lodge patrons is audible on neighbouring rural residential properties during the day and late into the night, past midnight, sometimes includes fireworks mainly associated with weddings;
- increased traffic during events, with inebriated drivers sometimes well into the morning hours;

- suggest that there are other venues on Hornby Island for concerts and similar events;
- ‘patron participation entertainment’ wasn’t traditionally a part of their operation that catered mainly to families on vacation, and afraid the amendment would attract different patrons and create problems;
- Music should be indoors and outdoor activities should end before midnight;
- Guests should be made aware of neighbouring properties;
- May open the door to the establishment operating in a manner that is contrary to its primary purpose.

Any additional comments received subsequently and prior to the LTC meeting on December 2, 2016 will be brought to the meeting for consideration by the LTC.

### **Issues and Opportunities:**

The LCLB requests local governments consider and comment on these regulatory criteria for liquor licence amendments:

- the potential for noise;
- the impact on the community; and
- if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

### The Potential for Noise

The application for the ‘patron participation entertainment endorsement’ amendment to the food primary liquor licence allows patrons to dance while alcohol is being served. The existing food primary liquor licence currently permits ‘non patron participation entertainment’ where patrons can come to listen to music, comedians etc., but patrons may not dance. The amendment does not propose to increase the occupancy which is currently 309 people for the food primary licence nor expand the existing licence floor plan or extend the hours. In fact, the amendment would decrease the hours that all entertainment (music and dancing) would be permitted by one hour. Instead of a 1:00am restriction, all entertainment (music and dancing) must end by midnight under the ‘patron participation entertainment endorsement.’ The potential for noise specific to the requested change to patron participation is not anticipated to exceed that which is currently permitted - playing music inside and outside.

Nuisance noise from a licensed establishment most typically arises from conflict with nearby residents. The Sea Breeze Lodge has been in operation as a resort in this location for decades amidst rural residential uses in the immediate vicinity. Typical noise associated with the permitted land use and existing licence includes audible music from within and outside of the building; and patrons inside or outside on the patio.

Staff has confirmed with the Comox Valley Regional District (CVRD) bylaw enforcement staff, that any disturbing noise emanating from the resort would be enforced upon as per CVRD bylaw No. 102. Staff understand that the RCMP are stationed on Hornby Island from May through to September and respond to bylaw complaints outside of CVRD office hours.

### Community Impact

Staff expects the change in the existing licence may have an adverse community impact, given the public comments received. Staff notes that the change to allow ‘patron participation entertainment’ does not add additional capacity or increase hours, or change the fact that music is currently permitted to be played inside or

outside the lodge under their current liquor licence. However, the addition of 'patron participation entertainment' (dancing) may lead to increased traffic in the area because the resort will be able to host events and weddings involving dancing, which has not previously been permitted by the liquor licence. Traffic in the area is currently identified by residents as problematic.

#### Establishment Operating Contrary to its Primary Purpose

Staff are unable to provide comment with regard to whether the amendment could lead to the establishment being operated in a manner that is contrary to its primary purpose (i.e. if the focus would shift from the service of food to the service of liquor), because it would really depend on how the establishment would be managed. Should the focus of the resort shift more to the service of liquor and away from primarily providing food, the resort would be in jeopardy of contravening the Hornby Island Land Use Bylaw No. 150 with respect of permitted uses within the Commercial 4 – Resort (C4) Zone (Sea Breeze). The zone currently allows restaurant, and not a pub.

#### **Rationale for Recommendation:**

While the proposed change to the existing liquor license would not be contrary to the land use bylaw, nearby residents may be adversely impacted by increased traffic resulting from this change. As such, it is recommended that the LTC not support a change to the existing licence for a food-primary entertainment endorsement as per page one of the staff report.

#### **ALTERNATIVES**

##### **1. Recommend issuance of the amendment**

The LTC may recommend issuance of the amendment for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment'. If this alternative is selected, the LTC should state the reasons for the positive recommendation.

Resolution:

That the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it has considered application HO-LCB-2016.1 (Sea Breeze Lodge) for a 'food-primary entertainment endorsement' to allow 'patron participation entertainment,' and recommends the issuance of it and provides the following comments:

- a) The potential for noise if the application is approved is not anticipated to exceed that which is currently permitted with the existing licence that includes 'patron non-participation entertainment';
- b) The impact on the community if the application is approved [provide comments];
- c) If the amendment should be approved, whether the change would result in the establishment to be operated in a manner contrary to its primary purpose [provide comments].
- d) Notice regarding the amendment was published in "The Little Tribune" and the residents that responded are concerned with the noise particularly associated with weddings, the increase in traffic during events, and the possibility that the change may result in the establishment operating in a manner contrary to its primary purpose [provide comments].

#### **NEXT STEPS**

Staff will forward a copy of this staff report and the resolution of the LTC to the LCLB to comply with section 53 of the *Liquor Control and Licencing Regulation*.

|               |                                                     |                   |
|---------------|-----------------------------------------------------|-------------------|
| Submitted By: | Marnie Eggen, MCIP, RPP<br>Planner 2                | November 28, 2016 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | November 29, 2016 |

## ATTACHMENTS

1. Application for a Permanent Change to a Liquor Licence
2. Current Food Primary Licence
3. Current Floor Plan
4. Notice



# Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

## FILLING OUT THIS FORM:

Complete all applicable fields then submit with payment as outlined in Part 10 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: **1 866 209-2111**.
- LCLB forms and supporting materials referred to in this document can be found at: **www.pssg.gov.bc.ca/lclb**

## Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Suzie Bishop

Phone number: 250 335-2321

Fax number: 250 335-3190

E-mail address: info@seabreezelodge.com

## Licensee Information

Licensee name [as shown on licence]: Sea Breeze Lodge

Establishment name [as shown on licence]: Sea Breeze Lodge

Establishment

Location address 5205 Fowler Road

Hornby Island

BC

V0R1Z0

(as shown on licence):

Street

City

Province

Postal Code

Mailing address:

(All correspondence will go to this address)

5205 Fowler Road

Hornby Island

BC

V0R1Z0

Street

City

Province

Postal Code

Business Tel with area code: 250 335-2321

Business Fax with area code: 250 335-3190

Business e-mail: info@seabreezelodge.com

Contact Name: Bishop, Suzie Violet

Title/Position: Owner/Manager

last / first / middle

## Type of Change Requested

Please check (☑) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 13 for the approval process for the change you have requested.

| Type of change requested                                                            | Licence numbers affected<br>MANDATORY | Job Number<br>Office Use ONLY |
|-------------------------------------------------------------------------------------|---------------------------------------|-------------------------------|
| <input type="checkbox"/> 1. Establishment/business or licence name change (p.2)     |                                       | (C2-LIC) (sub)                |
| <input checked="" type="checkbox"/> 2. Food-primary entertainment endorsement (p.2) | 080374                                | (C2-LIC) (sub)                |
| <input type="checkbox"/> 3. Request for change in terms and conditions (p.2)        |                                       | (C3-LIC) (sub)                |
| <input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)          |                                       | (C3-LIC) (sub)                |
| <input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)    |                                       | (C3-LIC) (sub)                |
| <input type="checkbox"/> 6. Change to hours of sale (p.3)                           |                                       | (C3-LIC) (sub)                |
| <input type="checkbox"/> 7. Catering endorsement (p.4)                              |                                       | (C3-LIC) (sub)                |
| <input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)               |                                       | (C2-LIC) (sub)                |

## Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).

## PART 1: Establishment or Business Name Change and/or Licence Name Change C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

**Note:** If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x  licences = \$

### Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

### Licence name changes:

Licence #:  Current licence name:

Proposed licence name:

Licence #:  Current licence name:

Proposed licence name:

### Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

*Also complete Parts 9 and 10*

## PART 2. Entertainment Endorsement (Food Primary licenses only) C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

### A) Patron non-participation entertainment endorsement (e.g., musicians)

**Note:** Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x  licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

### B) Patron participation entertainment endorsement (e.g., dance floor):

**Note:** Patron participation entertainment must end by midnight. Fee: \$330 per licence x  licences = \$

☒ Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

☒ Request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form. For further information on local government resolutions, read Part 11).

**There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria** (see contact information on page 5 of this form).

*NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).*

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☒ No

*Also complete Parts 9 and 10*

## PART 3. Request of Change in Terms and Conditions C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x  licences = \$

### Attach:

☐ A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

*Also complete Parts 9 and 10*

## PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

*Also complete Parts 9 and 10*

**PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)****C3 - LIC**Fee: \$220 per affected licence x  licences = \$   
(where you are adding or removing an exemption)

Small and medium manufacturers may apply to have a tied house association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

**Attach** a signed letter for each manufacturing licence that you are applying for above, stating the following:

- ☐ Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- ☐ Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three) as well as any licence where you want the exemption removed
- ☐ Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see [Policy Directive 13-03](#).

**Also complete Parts 9 and 10**

**PART 6. Change to Hours of Sale****C3 - LIC**

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (☒) the appropriate change, and provide the requested information and documents:

**A) Food Primary**

- ☐ (i) Request to change hours of liquor sales before midnight **Fee: \$220 per licence x**  **licences = \$** 
  - complete proposed hours of sale table below
- ☐ (ii) Request to extend hours of liquor sales later than midnight **Fee: \$330 per licence x**  **licences = \$** 
  - complete proposed hours of liquor sale table below, and
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nations resolutions, read Part 11).

**Note: if you have patron participation entertainment, it must end by midnight**

**B) Liquor-Primary, Liquor-Primary Club, Manufacturer Special Event Area or Manufacturer Lounge**

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
  - complete proposed hours of sale table below **Fee: \$220 per licence x**  **licences = \$**
- ☐ (ii) Request to change the hours of liquor sales outside the hours currently approved:
  - complete proposed hours of liquor sale table below, and **Fee: \$330 per licence x**  **licences = \$**
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

**Complete the table below, indicating proposed hours of liquor sales:**

**Current Hours of Liquor Sale:**

|        | Monday               | Tuesday              | Wednesday            | Thursday             | Friday               | Saturday             | Sunday               |
|--------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| OPEN   | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| CLOSED | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

**Proposed Hours of Liquor Sale:**

|        | Monday               | Tuesday              | Wednesday            | Thursday             | Friday               | Saturday             | Sunday               |
|--------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| OPEN   | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| CLOSED | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

**NOTE – When relocating a Food-Primary establishment:** An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☐ No

**Also complete Parts 9 and 10**

## PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (**excluding** liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x  licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

**NOTE:** If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering endorsement. **A fee of \$200 will be charged if a second (2<sup>nd</sup>) inspection is required.**

*Also complete Parts 9 and 10*

## PART 8. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Occasion Licensed (SOL) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SOL licensee and confirm with the SOL licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SOL event. Wine store licensees can only sell the range of products permitted by their store licence.

**No Fee**

**NOTE:** If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB 091) by fax or email 14 calendar days prior to the SOL event. A copy of LCLB 091 form can be found on our website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB091.pdf>. An event specific authorization will be issued.

*Also complete Parts 9 and 10*

## PART 9: Declaration

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or **all** individuals in a partnership is required below:

**Note:** An agent, lawyer, resident manager or third party operator **may not** sign the declaration on behalf of the applicant.

Name of Official: Bishop Stephen Brian

( last / first / middle )

Position: President - Owner

Date: 28/08/2016

(Day/Month/Year)

Signature: [Redacted]

Name of Official:

( last / first / middle )

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

( last / first / middle )

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

( last / first / middle )

Position:

Date:

(Day/Month/Year)

Signature:

## PART 10: Application Fees

TOTAL FEE Submitted: \$ 330.00

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check ☒ one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☒ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

### Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card): [Redacted]

Credit card number: [Redacted]

Expiry date:

05

(Month)

20

(Year)

Signature: [Redacted]

## PART 11: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

### Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- **Request your local government/First Nation to sign and date Part 12 of this form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 12: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): \_\_\_\_\_

Hornby Island Local Trust Committee

Name of Official: \_\_\_\_\_

Kjerulf, Ann  
(last / first / middle)

Title/Position: \_\_\_\_\_

Regional Planning  
Manager

Date of receipt of application: \_\_\_\_\_

14 / Oct / 2016  
(Day/Month/Year)

Phone Number: \_\_\_\_\_

250.247.2209

Signature of Official: \_\_\_\_\_

The Liquor Control and Licensing Branch requires a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

### To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
  - the potential for noise if the application is approved;
  - the impact on the community if the application is approved; and
  - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
  - the views of the residents;
  - the method used to gather the views of the residents; and
  - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 13: Application and Approval Process – What happens next?

### For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

### For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

### For the following change request:

- Part 7 Catering Endorsement (all C1)

#### **The process is:**

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.  
**Note:** The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering licence. **A fee \$200 will be charged if a second (2<sup>nd</sup>) inspection is required**
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

*Freedom of Information and Privacy Act* - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066

Sea Breeze Lodge Ltd.

August 28, 2016

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

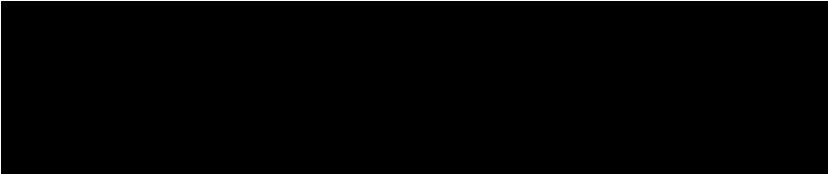
RE: Food Primary Licence #080374

To Whom It May Concern:

Please accept this application for the above licenced establishment - Sea Breeze Lodge Ltd.

We are applying for an Entertainment Endorsement with patron participation for the purpose of hosting live bands and/or DJ's to play during special events throughout the year. There's a variety of locations that bands or solo artists can set up both inside and on the licenced patio, depending on weather, size of the band and the wishes of our patrons. There are two dancing locations, one inside and one outside on the patio. The most common patron participation will be wedding guests dancing.

Further information or if you have any questions, please call or email.



Suzie Bishop  
Owner/Manager  
Sea Breeze Lodge Ltd.



Liquor Control and Licensing Branch  
**Food Primary Licence #080374**

Expires on September 30, 2017

Establishment Name: **SEA BREEZE LODGE**  
Licence Name: **SEA BREEZE LODGE**  
Location Address: **BIG TREE 3-2**  
**HORNBY ISLAND, BC V0R 1Z0**  
Issued to: **Sea Breeze Lodge Ltd.**

**TERMS AND CONDITIONS**

**HOURS OF SALE**

|       | Monday   | Tuesday  | Wednesday | Thursday | Friday   | Saturday | Sunday   |
|-------|----------|----------|-----------|----------|----------|----------|----------|
| Open  | 11:00 AM | 11:00 AM | 11:00 AM  | 11:00 AM | 11:00 AM | 11:00 AM | 11:00 AM |
| Close | 1:00 AM  | 1:00 AM  | 1:00 AM   | 1:00 AM  | 1:00 AM  | 1:00 AM  | Midnight |

**CAPACITY**

|        |   |        |   |          |     |
|--------|---|--------|---|----------|-----|
| Patio1 | 0 | Patio2 | 0 | Person01 | 309 |
|--------|---|--------|---|----------|-----|

- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Patio extension permitted as outlined in red on the official plan.
- Off-site exemption to tied house restrictions allows for the sale and promotion of product from the associated manufacturer, Carbreia Vineyard Manufacturer Winery #301809, subject to product exclusivity and other requirements set out in approval letter. Licensed establishments are required to sell a range of products from a variety of manufacturers.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY  
DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR  
DEFACING THIS LICENCE IN ANY MANNER MAY RESULT  
IN THE LICENCE BEING CANCELLED.

September 16, 2016

DATE

  
GENERAL MANAGER  
LIQUOR CONTROL AND LICENSING BRANCH





Islands Trust

Oct 26  
paper

**NOTICE OF APPLICATION  
HORNBY ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given that the Sea Breeze Lodge, 5205 Fowler Road, Hornby Island, BC has submitted an application to the BC Liquor Control Licencing Branch (LCLB) for an amendment to their current Liquor Licence to allow patron participation entertainment. This would allow for special events which may include weddings, bands and solo artists, throughout the year.

The Local Trust Committee is seeking any comments or concerns regarding this application. Any comments received will be forwarded to the LCLB to assist in their processing of the application.

If you have any questions or comments regarding this application, please contact Penny Hawley, Planning Team Assistant, at 250-247-2208; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867 or email: [phawley@islandstrust.bc.ca](mailto:phawley@islandstrust.bc.ca)

1/2 page B+W



**NOTICE OF APPLICATION  
HORNBY ISLAND LOCAL TRUST COMMITTEE  
HO-LCB-2016.1 (Sea Breeze Lodge)**

**NOTICE** is hereby given that the Sea Breeze Lodge, 5205 Fowler Road, Hornby Island, BC intends to apply to the BC Liquor Control Licencing Branch (LCLB) for an amendment to their current Liquor Licence to allow patron participation entertainment. This would allow for patron participation (e.g. dancing) at special events such as weddings. The LCLB, the approving authority, requests comments on the application from the Hornby Local Trust Committee (LTC). In consideration of the application, the LTC is seeking comments from residents.

The LTC has previously sought input on this application and will be giving further consideration to the application at their regular business meeting to be held at 11:30am on **January 27, 2017**. The public is welcome to provide comments. Written comments should be received before **4:00pm January 26, 2017**. Comments received will be forwarded to the LCLB to assist in their processing of the application.

Questions or comments regarding this application should be directed to Marnie Eggen, Island Planner at 250-247-2210; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 1-604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

**Mail:** Islands Trust  
700 North Road  
Gabriola Island, BC  
V0R 1X3  
**Fax:** 250-247-7514  
**Email:** [meggen@islandstrust.bc.ca](mailto:meggen@islandstrust.bc.ca)



DATE OF REPORT: January 5, 2017  
TO: Hornby Island Local Trust Committee  
FROM: Aleksandra Brzozowski, Island Planner  
Northern Office  
SUBJECT: 5605 Central Road (TELUS Central Office lot)  
LOT A, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 42542, PID 001-776-258

## RECOMMENDATION

1. **THAT the Hornby Island Local Trust Committee endorse the consultation work plan for the HO-OTH-2016.1 (TELUS) antenna tower proposal.**
2. **THAT the Hornby Island Local Trust Committee endorse the draft notification package for the HO-OTH-2016.1 (TELUS) antenna tower proposal [including comments].**

## REPORT SUMMARY

This report presents the draft consultation work plan and draft notification package for the microwave radio tower proposal from TELUS.

## BACKGROUND

The subject property is located at 5605 Central Road and is presently used by TELUS as a central office location. The property is approximately 0.04 hectares (.1 acre) and the land use is designated in the Official Community Plan for Public Utilities and Services (PS).

Staff reports and other information related to application HO-OTH-2016.1 are available on the Islands Trust website at [www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications](http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications).

## ANALYSIS

### Policy/Regulatory:

Please refer to the staff report presented at the December 2, 2016 Hornby Island Local Trust Committee (LTC) meeting for detailed information on relevant policies and zoning designations.

### Issues and Opportunities:

Industry Canada requires that proponents intending to install an antenna system notify and consult with the appropriate Land Use Authority (in this case, the Hornby Island Local Trust Committee) and the local community. The role of the Land Use Authority is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the antenna system, the responses of the affected residents, and the proponent's adherence to addressing concerns as required by a public consultation process.

On December 2, 2016, the LTC passed resolutions confirming the use of the Default Public Consultation Process for the TELUS proposal, and requesting staff to work with the proponent on a consultation work plan and draft notification package to be reviewed by the LTC.

The LTC also passed a resolution suggesting that the proponent consider identifying possible alternative sites which align with Official Community Plan policies that could be presented through a community consultation process. The proponent has been advised of this resolution. Staff recommends active follow up on this resolution as part of the consultation process, and to convey to the proponent that it is expected to duly address this resolution and the comments made by the public during the consultation process to further inform criteria and options for any alternative site.

Since the initial staff report was presented on December 2, 2016, TELUS has modified their proposal. The modified proposal is a 48-metre tower simply to provide a back-up telecommunications link to Vancouver Island as a redundancy to the existing submarine cable. The proposal no longer includes provision of extended cell phone coverage; the proponent has determined that the capital funding to install wireless service is not available for the near future. The proposed tower design will be adaptable to potentially accommodate a modification to the tower should budgetary constraints change in the future.

Planning staff notes that although increased height is not proposed at this time, the antenna siting process set out by Innovation, Science, and Economic Development Canada states that any new antenna tower could possibly accommodate future modifications to support partial additional use. The protocol set out in the CPC-2-0-03 circular strongly encourages using or modifying existing tower structures for co-location and additional antennae, and provides process alternatives for future applicants wishing to build onto an existing tower. That said, the proponent is able to only speak to the details of this proposal, as any future plans for the tower are unknown.

#### **Consultation Work Plan:**

Planning staff has reviewed the consultation work plan (Attachment 1) and notes the following comments for the LTC's consideration.

- Fulfilling the requirements in the Default Consultation Process to respond to the public will be a key aspect of LTC concurrence on the consultation for the proposal. The proponent intends to closely follow the timeline and methods set out in the Default Consultation Process; staff concurs with this approach.
- The proponent has also committed to producing a Frequently Asked Questions (FAQ) response sheet for general distribution. Staff believes this to be an important reporting-back measure and will post the FAQ response on the Current Applications and Latest News webpages.
- The proponent proposes to arrange a public information meeting if there is significant interest. Staff recommends that the LTC indicate to the proponent what it considers to be "significant interest" in order to avoid miscommunication and manage expectations.

#### **Draft Notification Package:**

As the LTC has agreed to follow the Default Public Consultation Process, the notification package will closely follow the requirements laid out in the Default Process. Planning staff has reviewed the draft notification package (Attachment 2) and confirms that the package includes all notification requirements as laid out in the Default Public Consultation Process. The LTC is able to make additional comments for the proponent should it have suggestions to improve the package.

Once the LTC has made any comments on the draft notification, the package will be mailed out individually to adjacent residents (for this proposal, property owners in a 144 metre radius). Notice in the Grapevine newsletter will run as soon as the proponent makes any necessary revisions to the draft notification package.

Planning staff intends to include a cover letter to the mailout communicating to recipients the Islands Trust's role in the public consultation process. This information will mirror the information posted on the Current Applications webpage.

#### **Rationale for Recommendation:**

The LTC decided to follow the Default Public Consultation Process for land use authority concurrence, and this is the document against which the submitted work plan and notification package have been analysed by staff. Staff is of the opinion that the basic requirements of the Default Process are being met to date.

#### **Alternative:**

1. Should the LTC determine that the proponent has not met a requirement laid out in the Default Process, it may choose to not endorse the work plan or notification package. If the LTC selects this alternative, it must be clear about which requirements have not been satisfied and the information required to fill the gap.

#### **NEXT STEPS**

Planning staff will coordinate the details of the notification package mailout with the proponent, and will post all information on the LTC Current Applications webpage.

Following the 30 day notification period, the proponent will provide planning staff with the response to the public. If significant interest is shown, the proponent will coordinate a public meeting in consultation with planning staff and trustees.

|               |                                                     |                 |
|---------------|-----------------------------------------------------|-----------------|
| Submitted By: | Aleksandra Brzozowski<br>Island Planner             | January 5, 2017 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | January 9, 2017 |

#### **ATTACHMENTS:**

1. TELUS Consultation Work Plan
2. Draft Public Consultation Notification Package
3. Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular*

January 11<sup>th</sup>, 2017

## Information Package & Consultation Work Plan

SitePath Consulting Ltd. is representing TELUS in seeking preliminary comments from the public and the Islands Trust in response to a proposed telecommunications installation.

TELUS Site: Hornby Island RLU

Prepared For: Hornby Island Local Trust Committee, Islands Trust

Prepared By: SitePath Consulting Ltd.  
Brian Gregg, Real Estate & Government Affairs Consultant

Address: 5605 Central Road, Hornby Island, BC V0R 1Z0

Coordinates: 49.5248805, -124.6523611

Legal Description: Lot A, Section 10, Hornby Island, Nanaimo District, Plan 42542, PID: 001-776-258

Land Use Authority: Islands Trust

OCP: PS – Public Utilities and Services

Zoning: Residential 2 - Large Lot Residential is the existing zoning designation, however "Public Service Uses" are permitted in all zones according to the Hornby Island Land Use By-Law No. 150, 2014. Section 3.1 of the Land Use By-Law specifically defines "Public Service Uses" as "...the provision of water, gas, electrical, **telephone**, television or emergency services by a government body or agency or by a company regulated by the Utilities Commission Act or the **Radio Communication Act of Canada**, serving only the Hornby Island local community." Section 3.4 of the Land Use By-Law further states that the "...**height limits set out in this section do not apply to any radio or television antenna...**"

### Objective

- The purpose of the proposed tower is to provide a back-up telecommunications link to Vancouver Island as a redundancy to the existing submarine cable.

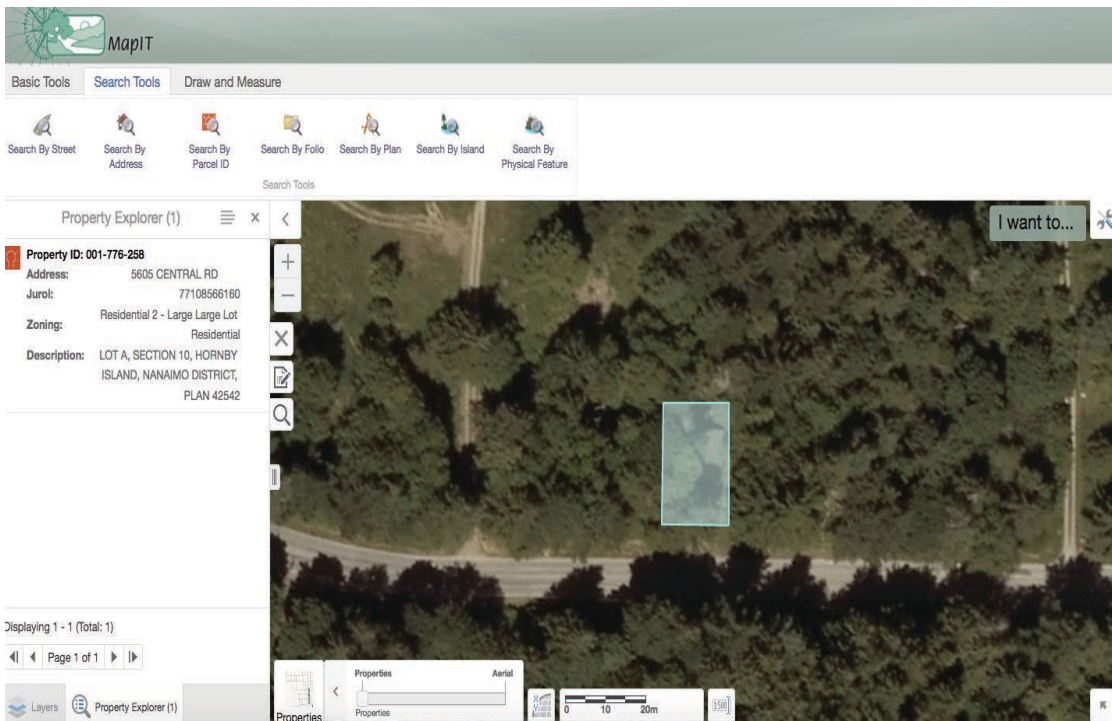
### Description of Proposed Site

- TELUS is proposing the construction of a 48-meter tall self-support tower on a TELUS-owned property that currently houses existing telecommunications infrastructure. The approximate coordinates of the proposed facility are as follows: 49.5248805, -124.6523611.
- If constructed, all of the equipment necessary to operate this facility will reside within an approximately 10.0 meter x 10.0 meter fenced compound located at the base of the tower.
- The site was selected for the following reasons:
  - The property currently houses TELUS' infrastructure and is owned by TELUS;
  - The property is surrounded by mature trees, enabling screening of the facility;
  - The property is setback from adjacent residences due to the large lot zoning;
  - Hydro power is available on the subject property;
  - Line of site can be achieved back to Vancouver Island (a technical requirement).

Aerial Photograph (Source: Google Maps)



Property Map (Source: Islands Trust MapIT)



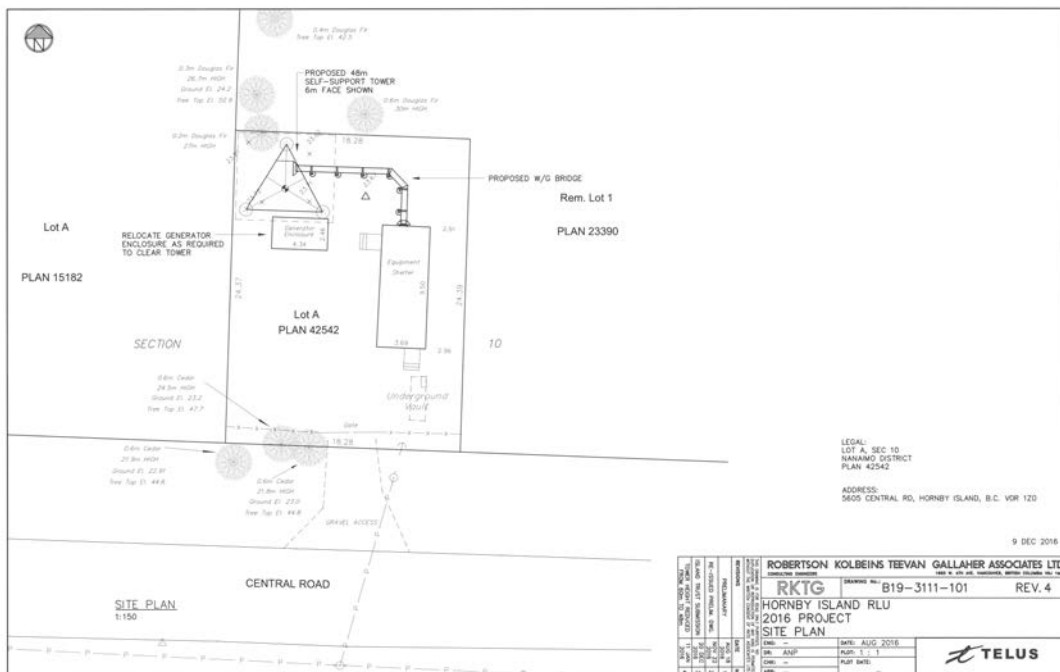
## Existing Structures

- TELUS has reviewed all existing structures within the search area and has confirmed that there are no existing antenna-support structures of a suitable height or location that would provide line of site or dependable service.

## Visibility

- Given that the proposed tower site is surrounded by mature trees, only the top portion of the tower will be visible within the Hornby Island community.
- Due to the need for the proposed facility to achieve “line of site” back to Vancouver Island, it is a technical requirement to have the upper portion of the tower unobstructed.

## Site Plan (for discussion purposes only)



**SOUTH ELEVATION**  
VIEWED FROM CENTRAL ROAD  
1:300

LIGHTNING ROD  
POSSIBLE: OMNI-TYPE POLE ANTENNA FOR NORTH ISLAND 9/11  
INITIAL: 8' M/W ANTENNA TO LITTLE QUALIDIM  
48in TRIANGULAR SELF-SUPPORT TOWER GALVANIZED STEEL  
El. 30m-s  
El. 27m-s  
42m  
48m  
APPROXIMATE TREE HEIGHT ALONG CENTRAL ROAD  
EXISTING EQUIPMENT SHELTER  
WEST PROPERTY LINE  
EAST PROPERTY LINE

**ROBERTSON KOLBEINS TEEVAN GALLAHER ASSOCIATES LTD**  
CONSULTING ENGINEERS  
819-3111-102  
REV. 4  
9 DEC 2016

**RKTG**  
HORNBY ISLAND RLU  
2016 PROJECT  
SOUTH ELEVATION  
DATE: AUG 2016  
PLANT: 1 - 1  
PLANT: 2 - 1

**TELUS**

## A photograph of a paved road winding through a dense forest of tall evergreen trees. A white car is visible in the distance on the road. A yellow diamond-shaped road sign is visible on the right side of the road.

Photo Simulation 2 – View Looking West From St. Johns Point Road (for discussion purposes only)



Photo Simulation 3 – View Looking Northwest From Central Road (for discussion purposes only)



## Policy Overview and Next Steps

### **Consultation Process – Industry Canada Default Process**

As the Hornby Island Local Trust Committee does not have an established and documented public consultation process applicable to tower siting, TELUS is required to follow the Industry Canada Default Public Consultation Process as follows:

- **Mail Out:** TELUS will notify any property owners within three times the proposed tower height--a 144 m notification radius since the proposed tower height is 48 meters. TELUS would encourage the Islands Trust to confirm the addresses to be included in the mail out.
- **Newspaper Notice:** A notice must be placed in a local paper welcoming public comments within the prescribed timelines. A public notice will therefore be placed in the Hornby Denman Island Grapevine newspaper for two consecutive issues on February 9<sup>th</sup>, 2017 and February 16<sup>th</sup>, 2017. The public will then have 30 days from the date of the second publication or until March 18<sup>th</sup>, 2017 to submit comments and questions to TELUS.
- **Response to the Public:** TELUS will acknowledge receipt of all comments and questions received within 14 days and address all relevant and reasonable concerns within 60 days. The commenting member of the public will then have 21 days to reply to TELUS' response. A summary of all comments received during the 30-day period and TELUS' responses will be submitted to Industry Canada.
- **Conclusion of Public Consultation:** The consultation process will be considered complete once TELUS has completed the above noted consultation requirements and addressed all reasonable and relevant concerns. Industry Canada expects that the consultation process will be completed within a maximum of 120 days from TELUS' initial formal contact with the Islands Trust.
- **Land Use Concurrence:** TELUS will request land use concurrence from the Hornby Island Local Trust Committee upon completion of the consultation process.

### **Public Meeting**

If there is significant interest from the community regarding the proposed facility, a public information meeting may be coordinated at a venue preferred by the Hornby Island Local Trust Committee. TELUS would set up a series of storyboards detailing the project and comment sheets would be supplied to welcome broader community input. All comments provided at the open house would be recorded and shared with the Hornby Island Local Trust Committee, Industry Canada and TELUS. TELUS will also supply a frequently asked questions (FAQ) summary with the relevant answers provided.

### **Land Use Concurrence**

Although TELUS is exclusively regulated by the Federal Government, Industry Canada requires TELUS to consult with the land use authority as a commenting body in the siting of antenna support structures. As a form of comment, TELUS will be requesting concurrence from the Hornby Island Local Trust Committee in the form of a resolution or a letter that addresses the following items:

- The Islands Trust is satisfied with TELUS' consultation process, as outlined in Industry Canada's Default Public Consultation Process;
- The proposed design and location is acceptable;
- The Islands Trust has been consulted and concurs with the tower location.

Once we get to this stage in the process, we would be pleased to provide sample resolution wording and/or sample letters of concurrence to assist Islands Trust staff. We anticipate that our land use concurrence request will occur in late March of 2017 at the end of the public comment period.



Dear Resident/Landowner

February 9<sup>th</sup>, 2017

**Re: Proposed 48 m TELUS Radiocommunications Tower  
TELUS-Owned Property  
5605 Central Road  
Hornby Island, BC V0R 1Z0  
49.5248805, -124.6523611  
TELUS File - Hornby Island RLU**

### **TELUS' Proposal**

TELUS is proposing a 48-meter self-support tower at 5605 Central Road, Hornby Island, BC. All of the equipment necessary to operate this facility will reside within a compound located at the base of the tower. The proposed facility is to be located at an existing TELUS-owned property. The purpose of the proposed tower is to provide a back-up telecommunications link to Vancouver Island as redundancy to the existing submarine cable.

### **Authority**

Although Industry Canada has exclusive jurisdiction over the placement of telecommunications facilities, it requires the carriers to consult with the local municipality and the general public regarding new installations. The municipal consultation process is intended to provide an opportunity to have property owner questions addressed while respecting federal jurisdiction over the installation and operations of telecommunications systems.

### **Industry Canada's Default Public Consultation**

As the Hornby Island Local Trust Committee does not have an established and documented public consultation process applicable to tower siting, TELUS is required to follow the Industry Canada Default Public Consultation Process. Industry Canada has jurisdiction over telecommunications facilities and has set out public and land use authority consultation requirements in the Industry Canada circular, CPC-2-0-03 (CPC) for telecommunication carriers. The CPC requires TELUS to consult with the local land use authority and the general public. TELUS is also required to provide notification packages to property owners within a radius of three times the proposed tower height, measured from the tower base or the outside perimeter of the supporting structure. The notification radius in this instance is 144 meters. Your property falls within this notification radius, and accordingly, TELUS is consulting with you on this tower. This process will provide you with an opportunity to engage in reasonable, relevant, and timely communication regarding this proposal. This notification will also be submitted to the Hornby Island Local Trust Committee and Innovation, Science and Economic Development Canada (formerly Industry Canada) as part of our application for land use concurrence.

Additionally, the public will be invited to comment on the proposed site in response to a public notice that will be placed in the Hornby Denman Island Grapevine newspaper. The public notice will run on February 9<sup>th</sup>, 2017 and February 16<sup>th</sup>, 2017. The public will then have 30 days from the second publication date or until March 18<sup>th</sup>, 2017 to submit comments and questions to myself on behalf of TELUS.

I will acknowledge receipt of comments and questions received within 14 days and address all relevant and reasonable concerns within 60 days. The commenting member of the public will then have 21 days to reply to the response. A summary of all comments received during the 30-day period and our responses are then submitted to Industry Canada.

## Site Details

1. *Purpose* - The purpose of the proposed tower is to provide a back-up telecommunications link to Vancouver Island as redundancy to the existing submarine cable. Currently, there are no suitable existing antenna support structures or other feasible infrastructure that can be utilized; as a result, a new antenna support structure is required.
2. *Location* - The tower will be located on a TELUS-owned property on Central Road. The geographical coordinates for the tower site are 49.5248805, -124.6523611.
3. *Safety Code 6* - Industry Canada requires all carriers to operate in accordance with Health Canada's safety standards. TELUS confirms that the tower described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's *Safety Code 6 including combined effects with the local radio environment*, as may be amended from time to time.
4. *Site Access* – The site will be accessed via an existing road and driveway.
5. *Environment* - TELUS confirms that the installation is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.
6. *Design* - This proposal is for a 48-meter self-support tower. A preliminary design of the tower profile and compound plan is included in this notification for your reference.
7. *Transport Canada* – Transport Canada and NAV Canada have confirmed that there are no marking or lighting requirements for the proposed tower.
8. *Structural Considerations* - TELUS confirms that the antenna structure described in this notification package will apply good engineering practices including structural adequacy during construction.
9. *Land Use Authority* – The Islands Trust does not have an applicable Tower Siting Protocol and as such we are applying Industry Canada's Default Public Consultation process.
10. *General Information*- General information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website: [http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/h\\_sf01702e.html](http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/h_sf01702e.html).
11. *Contacts*:

### TELUS

C/O Brian Gregg, SitePath Consulting Ltd.  
Real Estate & Government Affairs Consultant  
2528 Alberta Street  
Vancouver, BC V5Y 3L1  
Phone: 778-870-1388  
Email: [briangregg@sitepathconsulting.com](mailto:briangregg@sitepathconsulting.com)

### Innovation, Science and Economic Development Canada (ISED)

ISED – Vancouver Island Office  
1230 Government Street  
Victoria, BC V8W 3M4  
Phone: 250-216-0728  
Fax: 250-363-0208  
Email: [jeff.stanhope@canada.ca](mailto:jeff.stanhope@canada.ca)  
Attention: Jeff Stanhope

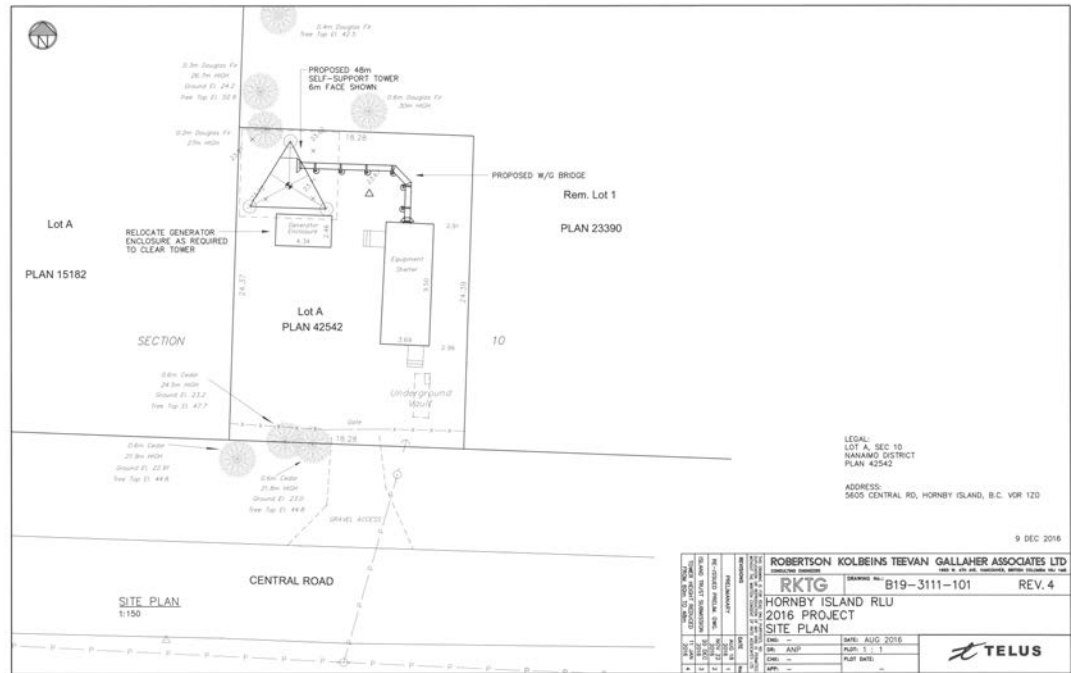
### Islands Trust

Island Planner, Northern Office  
700 North Road  
Gabriola BC V0R 1X3  
Phone: 250-247-2207  
Email: [hornbyplanner@islandstrust.bc.ca](mailto:hornbyplanner@islandstrust.bc.ca)

Should you have any specific questions regarding the proposal, please feel welcome to contact the contacts listed herein, or return the comment sheet by mail to TELUS by **March 18<sup>th</sup>, 2017**.



**Aerial Location Plan (for discussion purposes only)**



**Site Plan (for discussion purposes only)**

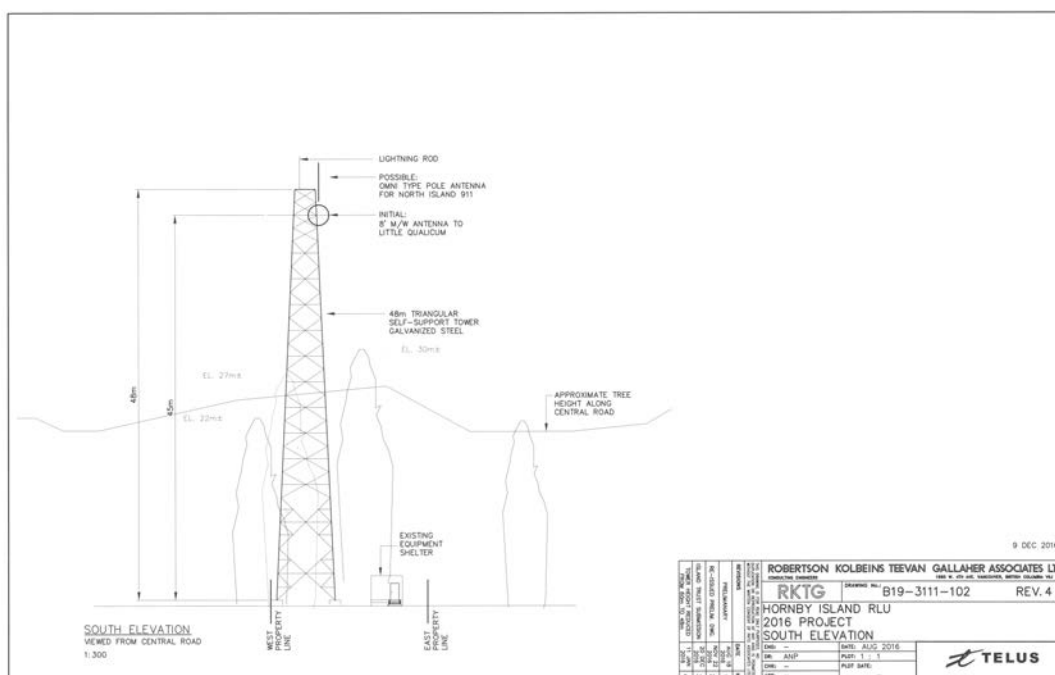




Photo Simulation 2 – View Looking West From St. Johns Point Road (for discussion purposes only)



Photo Simulation 3 – View Looking Northwest From Central Road (for discussion purposes only)

**COMMENT SHEET**  
**PROPOSED TELECOMMUNICATIONS TOWER**  
**49.5248805, -124.6523611**  
**5605 Central Road, Hornby Island (Islands Trust)**

**TELUS FILE – Hornby Island RLU**

1. Are you a user of telecommunication services?

- ☐ Yes  
☐ No

2. Do you feel this is an appropriate location for the proposed facility?

- ☐ Yes  
☐ No

Comments

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3. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- ☐ Yes  
☐ No

Comments

---

---

---

Additional Comments

---

---

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Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes;

Name \_\_\_\_\_  
(Please print clearly)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please email to [briangregg@sitepathconsulting.com](mailto:briangregg@sitepathconsulting.com)  
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*Thank you for your input.*



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Spectrum Management and Telecommunications

Client Procedures Circular

# **Radiocommunication and Broadcasting Antenna Systems**

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## 1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

### 1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

### 1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,<sup>1</sup> regardless of the type. This includes telecommunications carriers,<sup>2</sup> businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

### 1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

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<sup>1</sup> For the purposes of this document, an “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an “antenna,” the term includes the integral mast.

<sup>2</sup> For the purpose of this document, a “telecommunications carrier” means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.
5. Completing the construction.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within **120 days**. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

## **2. Industry Canada Engagement**

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office<sup>3</sup> for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

## **3. Use of Existing Infrastructure (Sharing)<sup>4</sup>**

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

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<sup>3</sup> Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: [http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h\\_sf06073.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html).

<sup>4</sup> See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

#### **4. Land-use Authority and Public Consultation**

##### **Contacting the Land-use Authority**

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,<sup>5</sup> they must contact Industry Canada in order to ensure that the requirements for consultation are met.

##### **Following the Land-use Authority Process**

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

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<sup>5</sup> Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) ([http://sidait-atris.aadnc-aandc.gc.ca/atris\\_online/home-accueil.aspx](http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx)) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.<sup>6</sup> Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

## **Broadcasting Undertakings**

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

### **4.1 Land-use Authority Consultation**

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes<sup>7</sup> specific to antenna systems that consider such things as:

<sup>6</sup> In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

<sup>7</sup> Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

## **4.2 Industry Canada's Default Public Consultation Process**

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

### **Public Notification**

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

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Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the [FCM's website](http://www.fcm.ca) [www.fcm.ca](http://www.fcm.ca).

located within a radius of three times the tower height.<sup>8</sup> The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.<sup>9</sup> Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

### Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

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<sup>8</sup> Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

<sup>9</sup> The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within **30 days** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

### Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

### 4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

### **Concluding Land-use Authority Consultation**

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

### **Concluding Industry Canada's Default Public Consultation Process**

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

#### **4.4 Post-Consultation**

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

### **5. Dispute Resolution Process**

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

### **6. Exclusions**

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced<sup>10</sup>, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation<sup>11</sup>. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Non-Tower Structure:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;<sup>12</sup> and
- **Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

## 7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

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<sup>10</sup> The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

<sup>11</sup> Initial antenna system installation refers to the system as it was first consulted on, or installed.

<sup>12</sup> Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

## 7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.<sup>13</sup> While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.<sup>14</sup> At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

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<sup>13</sup> To obtain an electronic copy of Safety Code 6, contact: [publications@hc-sc.gc.ca](mailto:publications@hc-sc.gc.ca).

<sup>14</sup> See Client Procedures Circular [CPC-2-0-20](#), *Radio Frequency (RF) Fields – Signs and Access Control*.

## 7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2<sup>15</sup> in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements<sup>16</sup> on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

## 7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

## 7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

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<sup>15</sup> For more information see [EMCAB-2](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html>.

<sup>16</sup> [BPR-1 - Part I: General Rules](http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

## **7.5 Aeronautical Safety**

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

### References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.<sup>17</sup> Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA<sup>18</sup> and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

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<sup>17</sup> The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

<sup>18</sup> Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

## Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation<sup>19</sup> that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

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<sup>19</sup> Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

## Follow Up Action Report

### Hornby Island

#### 02-Oct-2015

| Activity                                                                                                                                                               | Responsibility        | Target Date | Status   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|----------|
| Staff to initiate contact with the Komoks First Nation staff to discuss environmental mapping (ecosystems, eel grass, forage fish) as a step in relationship-building. | Aleksandra Brzozowski |             | On Going |

#### 10-Jun-2016

| Activity                                                                                                                                                          | Responsibility | Target Date | Status   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------|----------|
| Trustee Law to contact Komoks First Nation staff to explore options for a community presentation on Hornby Island on Komoks First Nation history on Hornby Island | Tony Law       |             | On Going |

#### 12-Aug-2016

| Activity                                                                                                                                                                                          | Responsibility                                              | Target Date | Status |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------|--------|
| Staff to prepare a report reviewing the community housing definition and setback requirements for the 8.3A, Community Housing zone of Bylaw No. 150; to be accompanied by a draft amending bylaw. | Rob Milne                                                   |             | Done   |
| Standing resolution HO-2016-010 amended by extending the expiration date of resolution HO-IC-2014.001 to September 30, 2017.<br>Staff to report to LTC January 27, 2017                           | Miles Drew<br>Becky McErlean<br>Penny Hawley<br>Ann Kjerulf |             | Done   |

#### 14-Oct-2016

| Activity | Responsibility | Target Date | Status |
|----------|----------------|-------------|--------|
|----------|----------------|-------------|--------|

**Follow Up Action Report**

|                                                                                                                                                                                                           |                             |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|
| Hornby Island Local Trust Committee Chair to write to the Comox Valley Regional District in support of the proposal for a centralized composting facility to process residual composting toilet organics. | Laura Busheikin<br>Tony Law | Done     |
| Staff to work with APC on the preparation of a terms of reference for the vacation home rental review and prepare a draft project charter for the review of the LTC.                                      | Aleksandra Brzozowski       | On Going |
| LTC to send a letter to the CVRD in support of the ISLA request for allocation of funds from the Community Works Fund for the affordable housing development project on Beulah Creek.                     | Laura Busheikin<br>Tony Law | Done     |

**02-Dec-2016**

| Activity                                                                                                                                                                                                                                                                                                          | Responsibility                 | Target Date | Status   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------|----------|
| Hornby Island Bylaw No. 153 cited as Hornby Island Land Use Bylaw, 2014, was adopted. To be consolidated with Hornby Island Land Use Bylaw and posted to the website.                                                                                                                                             | Becky McErlean<br>Penny Hawley |             | Done     |
| HO-LCB-2016.1 (Sea Breeze Lodge): LTC requested staff to inform LCLB that it has considered the application and that recommends food-primary entertainment endorsement be issued if conditions are met.<br>That the submissions by residents with respect to the Sea Breeze application be forwarded to the LCLB. | Marnie Eggen                   |             | On Going |
| Komoks Relationship Building: Staff be requested to develop an Event Plan with respect to Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event.                                                                            | Aleksandra Brzozowski          |             | On Going |
| Telecommunications Facility Proposal:<br>1) Staff to communicate with proponent regarding consultation process and draft notification package, and request proponent consider alternative sites.<br>2) LTC to communicate to residents regarding consultation procedures.                                         | Aleksandra Brzozowski          |             | On Going |



DATE OF MEETING: January 17 2017  
TO: Hornby Island Local Trust Committee  
FROM: Miles Drew, Bylaw Enforcement Manager  
SUBJECT: Bylaw Enforcement Standing Resolutions concerning rental of accessory buildings for commercial use and unlawful dwellings.

## RECOMMENDATION

1. That the Hornby Island Local Trust Committee rescind standing resolution HO-043-2013.
2. That the Hornby Island Local Trust Committee remove "Home occupation review" from the Projects list.
3. That the Hornby Island Local Trust Committee adopt the following standing resolution:
  1. **THAT** whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as:
    - a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road);
    - b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and
    - c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road)shall be held in abeyance;
  2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and
  3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the residential density review project is complete, whichever is the sooner.
4. That the Hornby Island Local Trust Committee move "Residential Density Review" project to the Top Priorities List.

## REPORT SUMMARY

As the conditions which gave rise to the original resolution no longer exist, the Hornby Island Local Trust Committee (LTC) is asked to rescind Standing Resolution HO-043-2013 and adopt a new standing resolution, and to make corresponding changes to its Projects and Top Priorities lists.

## BACKGROUND

The Hornby Island Local Trust Committee previously adopted two Standing Resolutions.

One Standing Resolution concerned enforcement actions related to rentals of accessory building for commercial uses by non-residents.

1. That whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which amongst other items includes a review of home occupation AND THAT whereas neither document addresses the rental of accessory buildings for non-commercial use it is resolved that enforcement actions related to the rental of accessory buildings shall be considered to be a low priority;
2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities without notice; and
3. That unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.

This resolution has been renewed by the LTC annually and is still in effect.

The other Standing Resolution adopted by the LTC concerned enforcement actions against three specific properties for unlawful dwellings.

1. THAT whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which will include a review of issues related to residential densities it is resolved that enforcement actions related to density against properties identified as:
  - a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road);
  - b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and
  - c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road)shall be held in abeyance;
2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and
3. That unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.

This standing resolution has not been renewed annually although the perhaps the LTC may believe it has been.

## ANALYSIS

The specific enforcement circumstances which caused the standing resolution concerning non-residential use of accessory buildings for commercial uses no longer exist. At this time there are no open enforcement files on this issue. The LTC might consider resending the standing resolution with the understanding that if the issue again became significant the same resolution could be adopted. Likewise, this issue is on the LTC's project list but as there no longer appears to be any urgency the LTC may consider removing it from the list.

The enforcement conditions which caused the LTC to adopt the standing resolution on unlawful dwellings continue to exist and the LTC might consider adopting a new standing resolution. In June of 2013, residential density review, described as “establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews” “ was put on the LTC’s project list.”. Enforcement on unlawful dwellings has been in abeyance since 2013; the LTC should consider making this project a priority or authorizing normal enforcement in accordance with the existing bylaws. The LTC is currently preparing to review Vacation Home Rental policies and regulations, which are related to affordable housing issues, so a concurrent review of housing density regulations is warranted.

#### **Rationale for Recommendation:**

By adopting the recommended standing resolutions the LTC would update current enforcement policy to reflect the actual conditions in the community and would continue to give the LTC the required time to properly review the Official Community Plan policies and Land Use bylaw regulations pertaining to dwellings, without requiring residents on the listed properties of unlawful dwellings to relocate in the interim..

#### **ALTERNATIVES**

##### **1. Request further information**

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

##### **Resolution:**

*That the Hornby Island Local Trust Committee requests staff to provide further information.*

##### **2. Not amend the current standing resolutions.**

The LTC may choose to leave the standing resolutions as they currently exist. If it chooses to do this, enforcement actions on non-residential use of accessory buildings for commercial uses will continue to be deemed a low priority but enforcement action against the specific properties listed in standing resolution HO-043-2013 will resume.

##### **Resolution:**

*That the Hornby Island Local Trust Committee not amend the current standing resolutions.*

##### **3. Receive for information**

The LTC may receive the report for information.

|               |                                                     |                  |
|---------------|-----------------------------------------------------|------------------|
| Submitted By: | Miles Drew Bylaw Enforcement Manager                | December 6, 2016 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | December 6, 2016 |

File No.: 6500-20 (Community  
Housing Amendments)

DATE OF MEETING: January 27, 2017  
TO: Hornby Island Local Trust Committee  
FROM: Rob Milne, Island Planner  
Victoria Team  
SUBJECT: Community Housing Definition and R3A Zone Amendments

## RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee has reviewed the Directives Only Policy Checklist and confirmed by resolution that Bylaw No. 154 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2016" is not contrary to or at variance with the Islands Trust Policy Statement;
2. That the Hornby Island Local Trust Committee Bylaw No. 154 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2016" be read a first time;
3. That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting regarding Bylaw No. 154 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2016".

## REPORT SUMMARY

The purpose of this report is to present draft Bylaw No. 154 for consideration of the Hornby Island Local Trust Committee (LTC). Bylaw No. 154 includes proposed amendments to the Hornby island Land Use Bylaw (LUB) in order to facilitate the development of the Island Secure Land Association (ISLA) community housing project on Central Road. LUB amendments are required in response to changes to the community housing ownership model proposed by ISLA.

## BACKGROUND

As part of the recent official community plan (OCP) and land use bylaw (LUB) review, a new Community Housing (R3A) Zone was created to facilitate a community housing project on Central Road, on lands donated for that purpose. As originally envisioned, ISLA would retain ownership of all the lands but enter into housing agreements and long term leases agreements with lease holders for affordable housing on lease lots. No actual subdivision of the lands would occur. The definition of community housing and R3A zone regulations in the LUB were consistent with this model.

At the August 12<sup>th</sup> LTC meeting, a delegation from ISLA provided an update on efforts to initiate their affordable housing project at the Central Road location. The LTC was advised that there is a need to revise the initial community housing model due to the lack of support for this model from financial institutions; such institutions are apparently unwilling to provide mortgage financing to individuals who do not own their land.

The new model proposed is a phased bare land strata development of up to 30 small lots on the subject lands (Attachment 1). Shared community use buildings and support infrastructure would be located on the common property areas created through the bare land strata subdivision. This new model is a significant departure from the original concept necessitating changes to the Hornby Island LUB in order to advance.

At the August 12, 2016 meeting of the Hornby Island LTC, the following item was moved from the projects list to the Top Priorities list:

*Review of community housing definition and setback requirements for the 8.3A, Community Housing zone of Bylaw No. 150*

The LTC subsequently passed the following motion at that meeting:

**HO-2016-026**

*that staff be requested to draft a bylaw to amend Land Use Bylaw No. 150 to:*

- a) provide an amended definition of community housing that enables dwelling units to be provided on land that is not owned by a government agency or non-profit society; and*
- b) provide revised setbacks in Zone 8.3A to enable dwelling units on small lots.*

## **ANALYSIS**

### **Policy/Regulatory:**

#### **Trust Council Strategic Plan**

The proposal responds to the following Strategic Plan Policy Statement Goals:

- *Goal B – To ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of trust area ecosystems.*
- *Goal C – To sustain island character and healthy communities.*

Under Policy Statement Goal C in particular, the proposal aligns directly with both of the following strategies:

- *5.1 – Use land use planning tools and decisions to improve the availability of affordable, accessible, appropriate housing (e.g. as described in Trust Council’s Community Housing Toolkit); and*
- *5.2 – Use land use planning tools to promote economic sustainability.*

#### **Islands Trust Policy Statement**

The proposal is consistent with the Islands Trust Policy Statement:

- 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.*
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

The LTC is asked to confirm by resolution that the draft bylaw is consistent with the Islands Trust Policy Statement Directives Only Checklist (Attachment 2).

## **Official Community Plan**

The subject property is designated a combination of Small Lot Residential (SR) and Community Housing (CH) by the Hornby Island OCP.

The stated objectives of the CH designation are as follows:

- (1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing;*
- (2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character;*
- (3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing;*
- (4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income; and*
- (5) to support land cooperatives with the intention of providing opportunity for common ownership through co-operative land tenure.*

The relevant objectives of the Small Lot Residential designation are:

- (1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment;*
- (2) to minimize the negative impacts associated with small lot development;*

The ISLA community housing proposal is consistent with the Hornby Island OCP and no changes are required to the OCP in response to the proposed changes.

## **Land Use Bylaw**

### Community Housing Definition

Community housing is currently defined in the LUB as:

*dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under s. 905 of the LGA and are constructed for community residents on land that is owned by a government body or agency or a non-profit organization constituted under the Society Act.*

The current definition of "Community Housing" would not be consistent with the ISLA proposal as individual lots would no longer be "owned by a government body or agency or a non-profit organization". The other requirement related to deed restrictions and/or rent controls has not been identified as a concern yet those items could be addressed through an actual housing agreement. Also, the *Local Government Act* was amended in 2015 and the relevant section applicable to housing agreements has changed to section 483. The community housing definition could be amended to address both the ownership and legislative changes, as follows:

*dwelling units that are subject to a housing agreement under s. 483 of the Local Government Act.*

The community housing use is found in two other zones in the LUB. In the 8.3-Community Housing (Elder Housing) zone, which is a zone specific to an existing community housing project, and in the 8.21-Public Use zone, where it is mentioned as one of a number of permitted uses. The proposed amendment to the definition of community housing would have no impact upon the current and future use of lands in those zones for community housing.

### R3A Zone Setbacks

As noted, it was previously anticipated that no subdivision would occur in conjunction with the proposed community housing development. As such, the R3A zone only included setbacks to the boundary of the whole property (8 m on all sides). However, the new project concept is to create lots through a bare land strata subdivision and to sell those as “fee simple” lots to allow individual owners to obtain mortgage financing. There is a need to address the impacts of this change by the addition of language addressing the lot setbacks. That language has been included in the draft bylaw attached to and forming part of this report.

### ***Housing Agreement***

The housing agreement should be dealt with under a separate LTC administrative bylaw – a bylaw to authorize a housing agreement. This bylaw would specify the terms of the housing agreement including details with respect to occupancy, resale price restrictions, etc. These details have yet to be resolved as a community consultation process is pending. The housing agreement would be registered in the Land Title Office and would be binding on all persons who would acquire an interest in the lands, including future purchasers, after registration of the notice. The administrative bylaw should be adopted and housing agreement registered prior to final adoption of Bylaw No. 154 (to amend the Hornby Island Land Use Bylaw).

### ***Other Changes***

One additional change to the R3A zone, made necessary by the revised ownership model, was the addition of new language, (item (3)) which adds language regulating lot coverage of the strata lots based upon their areas.

### **Issues and Opportunities:**

There are no known technical issues related to the proposed community housing project. All of the actions necessary to demonstrate the physical capability of the property to support the proposed development, including water supply and waste treatment, have been taken. This includes *Riparian Areas Regulation* assessments of the various reaches and features of Beulah Creek and parkland dedication along that creek.

However, the community housing project was a specific focus of the recently completed OCP review process and its existence and purpose is well known to Hornby Island residents. The proposed ownership model is a significant departure from that which was originally proposed by ISLA. As such, there is a need to engage in a public consultation process to determine the level of support for this change.

### **Consultation**

Given the change deals strictly with the ownership model and does not affect the location, purpose or potential density and use of the lands it is not seen as necessary to conduct an additional agency referral on a proposed bylaw which would facilitate the proposed changes.

The public consultation process is anticipated to require at least one ISLA sponsored open house or one community information meeting (CIM) conducted by the Islands Trust prior to holding a public hearing on the enabling bylaw.

### **Rationale for Recommendation:**

As has been noted in this report, the proposed community housing project was considered as part of a previous public consultation process conducted by the LTC, which included agency referrals. As well, it has received public exposure through ISLA's own community consultation processes. The amendments contained within the draft bylaw affect neither the currently proposed use nor the density of the R3A zone. Rather the bylaw seeks to create the conditions to allow for the proposed project to proceed in order to achieve its goal of creating affordable community housing and addressing the shortage of housing opportunities on Hornby Island. On this basis it is the opinion of staff that this bylaw should receive first reading and that a Community Information Meeting be held.

### **ALTERNATIVES**

#### **1. Request further information**

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

#### **2. Refer Bylaw No. 154**

The LTC may wish to refer Bylaw No. 154 to agencies, First Nations or other stakeholders either before or after first reading.

#### **3. Choose to not proceed**

The LTC may choose not to proceed with the proposed amendments. If this alternative is selected, the LTC should state the reasons for its decision.

### **NEXT STEPS**

Upon the direction of the LTC, and once first and second readings have been given, a public hearing should be scheduled for the draft bylaw.

|               |                                                     |                   |
|---------------|-----------------------------------------------------|-------------------|
| Submitted By: | Rob Milne, M.A., RPP, MCIP<br>Island Planner        | December 20, 2016 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | January 6, 2017   |

### **ATTACHMENTS**

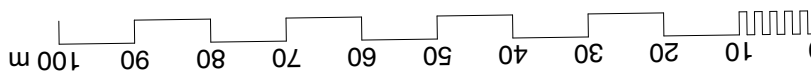
1. Site plan
2. Islands Trust Policy Statement Directive Policies Checklist
3. Draft Bylaw No. 154



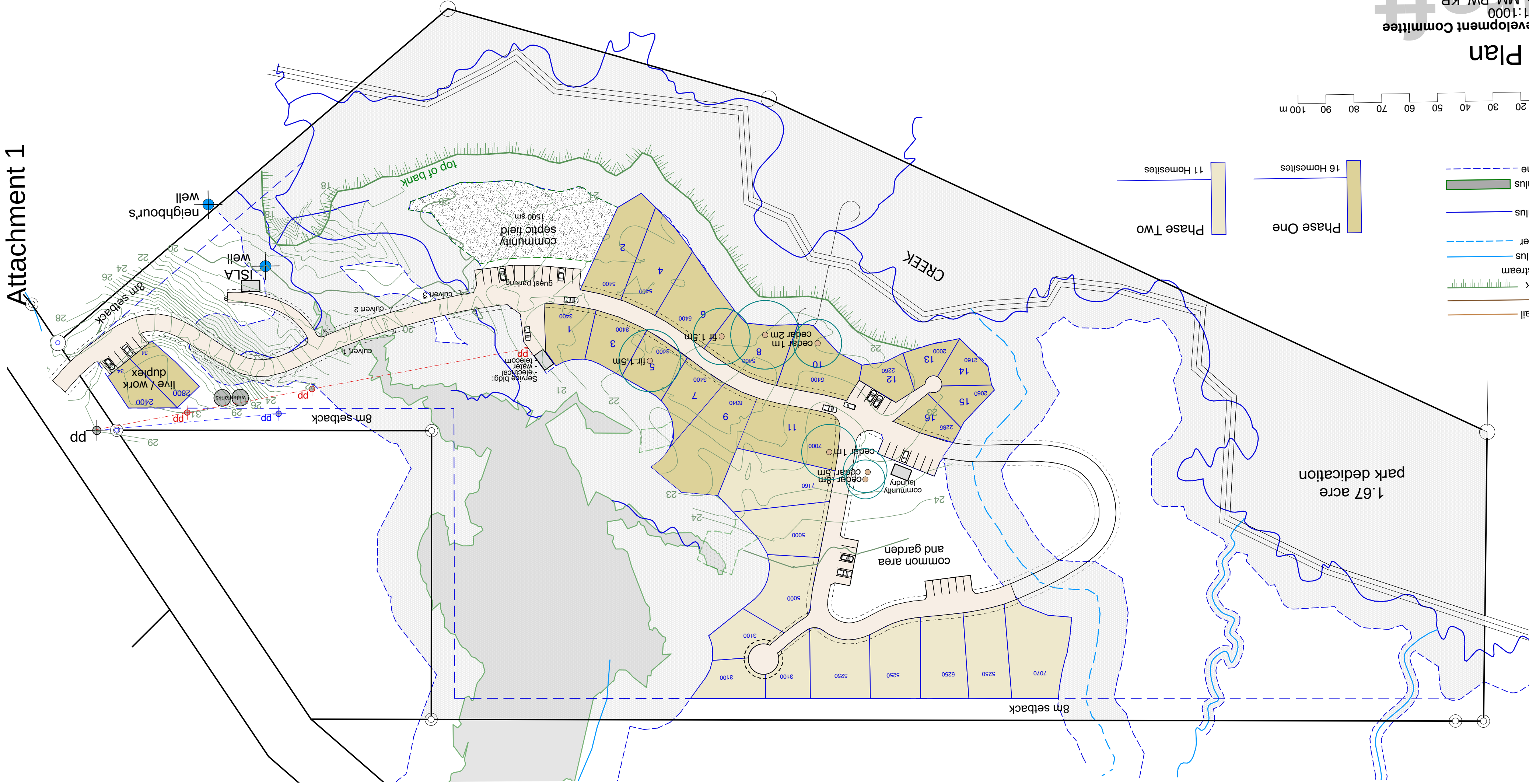
**Legal Description:**  
Lot 1 Section 11 Hornby Island  
Nanaimo District Plan VIP87990  
Parcel Identifier: 87990

**ISLA Development Committee**  
Scale: 1:1000  
Design: MM, PW, KR  
Date: Aug 19, 2016  
File name: ISLA site plan-M3.wvx

# Site Plan

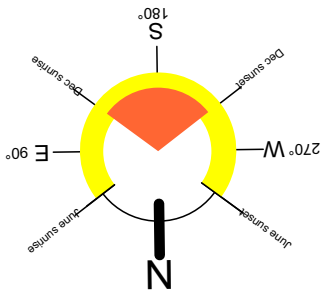


- Setback line - 11 Homesites
- Setback line - 16 Homesites
- Welland - Mimus
- Stream - Mimus
- Stream - Juniper
- Seasonal stream - Mimus
- Top of bank
- Old Road
- Walking Trail



## Biological Survey, RAR Setbacks, and Site Conditions

- Legal survey data: Hoerbuerger Land Surveyors
- Environmental survey data: Juniper Environmental Services, Lynda Fyfe
- Stream and wetland data: Mimus Biological Consultants (from 2012 report to Islands Trust)
- RAR analysis and report: Baynes Sound Environmental, Kayt Chambers
- Topographical survey data: Gordon Bateman Surveying
- Compilation and graphics: M.McNamara - Blue Sky Design





Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

Bylaw and File No: 154

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

### **POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

### **DIRECTIVES ONLY CHECK LIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

### **Part III Policies for Ecosystem Preservation and Protection**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| N/A        | <b>3.1.3</b> | 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.                                   |
| N/A        | <b>3.1.4</b> | 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. |
| N/A        | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| N/A        | <b>3.2.2</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| N/A        | <b>3.3.2</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| N/A        | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| N/A        | <b>3.4.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.                                                                                  |

### **PART IV: Policies for the Stewardship of Resources**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                        |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                |
| N/A        | <b>4.1.4</b> | 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.                                                           |
| N/A        | <b>4.1.5</b> | 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. |
| N/A        | <b>4.1.6</b> | 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.                                                           |

| CONSISTENT | NO.    | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A        | 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                                                     |
| N/A        | 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.                                                                                                                                                                |
| N/A        | 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.                                                                                                                                                                                                                                                            |
|            | 4.2    | <b>Forests</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| N/A        | 4.2.6  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.                                                                                                                                                                                                                   |
| N/A        | 4.2.7  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.                                                                                          |
| N/A        | 4.2.8  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.                                                                                                                                                                |
|            | 4.3    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|            | 4.4    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | 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. |
| N/A        | 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 uses                                                                                                                                                                                                                                   |
|            | 4.5    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| N/A        | 4.5.8  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.                                                                                                                                                                                                                                                    |
| N/A        | 4.5.9  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.                                                                                                                                                                             |
| N/A        | 4.5.10 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.                                                                                                                                    |
| N/A        | 4.5.11 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.                                                                                                                                                                               |
|            | 4.6    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| N/A        | 4.6.3  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the                                                                                                                                                                                                                                                                                                        |

|  |  |                                 |
|--|--|---------------------------------|
|  |  | protection of productive soils. |
|--|--|---------------------------------|

### **PART V: Policies for Sustainable Communities**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| <b>N/A</b> | <b>5.1.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| ✓          | <b>5.2.3</b> | 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.                                                                                                                               |
| <b>N/A</b> | <b>5.2.4</b> | 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. |
| ✓          | <b>5.2.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.                                                                                |
| <b>N/A</b> | <b>5.2.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| <b>N/A</b> | <b>5.3.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.                                                  |
| <b>N/A</b> | <b>5.3.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.                                                                                                                                                   |
| <b>N/A</b> | <b>5.3.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.                                                                                                                                                |
| <b>N/A</b> | <b>5.3.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| <b>N/A</b> | <b>5.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.                                                                                                                                       |

| CONSISTENT | NO. | DIRECTIVE POLICY |
|------------|-----|------------------|
|------------|-----|------------------|

|            |              |                                                                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| <b>N/A</b> | <b>5.5.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.                                                                                                                                                     |
| <b>N/A</b> | <b>5.5.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas. |
| <b>N/A</b> | <b>5.5.5</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.    |
| <b>N/A</b> | <b>5.5.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.                                                                          |
| <b>N/A</b> | <b>5.5.7</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.                                                                                                                                                                               |
|            | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| <b>N/A</b> | <b>5.6.2</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.                                                                                                                                                                  |
| <b>N/A</b> | <b>5.6.3</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.                                                                                                                         |
|            | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| <b>N/A</b> | <b>5.7.2</b> | 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.                                                                                                                                 |
|            | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| <b>N/A</b> | <b>5.8.6</b> | 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.     |

| <b>POLICY STATEMENT COMPLIANCE</b> |                                                                       |
|------------------------------------|-----------------------------------------------------------------------|
| <b>✓</b>                           | <b>COMPLIANCE WITH TRUST POLICY</b>                                   |
|                                    | <b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b> |

# DRAFT

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## HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

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### A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW, 2014

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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. Citation:

This bylaw may be cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2016”.

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

|                                                          |        |        |
|----------------------------------------------------------|--------|--------|
| READ A FIRST TIME THIS                                   | DAY OF | , 2017 |
| READ A SECOND TIME THIS                                  | DAY OF | , 2017 |
| PUBLIC HEARING HELD THIS                                 | DAY OF | , 2017 |
| READ A THIRD TIME THIS                                   | DAY OF | , 2017 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST |        |        |
| THIS                                                     | DAY OF | , 2017 |
| ADOPTED THIS                                             | DAY OF | , 2017 |

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SECRETARY

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CHAIRPERSON

## **Hornby Island Local Trust Committee**

### **Bylaw No. 154**

#### **Schedule 1**

Schedule "A" of Hornby Island Land Use Bylaw No. 150 cited as "Hornby Island Land Use Bylaw, 2014 is amended as follows:

1. **PART 1 INTERPRETATION**, Section **1.1 Definitions**, is amended by deleting:

"**community housing** means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under s. 905 of the LGA and are constructed for community residents on land that is owned by a government body or agency or a non-profit organization constituted under the *Society Act*."

and adding:

"**community housing** means dwelling units that are subject to a housing agreement under s. 483 of the Local Government Act".

2. **PART 8 ZONE REGULATIONS**, Section **8.3A Residential 3A - Community Housing (R3A) Zone (ISLA)** text is deleted in its entirety and replaced with the following:

#### **"Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
  - (a) residential use of a dwelling;
  - (b) community housing;
  - (c) attached housing;
  - (d) live/work studios;
  - (e) community facility, accessory to a use listed in (1)(a)(b)(c) or (d) above;
  - (e) home occupation;

#### **Permitted Buildings, Structures and Density**

- (2) The following buildings and structures are permitted within the R3A zone, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
  - (a) a maximum 30 community housing dwelling units;
  - (b) a maximum of four live/work studios;
  - (c) accessory buildings and structures, including:
    - i. a maximum of one accessory community facility;
    - ii. a maximum of one accessory building per community dwelling unit.
  - (d) community service buildings;
- (3) Lot coverage must not exceed:

- (a) 40% of any lot having an area less than 0.03 hectares;
- (b) 35% of any lot having an area of 0.03 hectares or larger;

#### **Siting and Size**

- (4) The minimum setback for any building or structure located within the R3A zone, except for a fence or pump/utility house, shall be 8 metres from all lot lines.
- (5) Despite sub-section (4) above, the minimum setback for any building or structure located within a strata lot located within the R3A zone, except for a fence or pump/utility house, shall be as shown on Schedule C - "Community Housing (R3A) Zone (ISLA) – Strata Lot Setbacks", and Schedule C consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.
- (6) The floor area of a dwelling unit, including a live/work studio, in a community housing development must not exceed 180 m<sup>2</sup>.
- (7) The floor area of an accessory community facility must not exceed 150 m<sup>2</sup>.
- (8) The floor area of an accessory community service building must not exceed 100 m<sup>2</sup>.
- (9) The floor area of an accessory building must not exceed 20 m<sup>2</sup>."

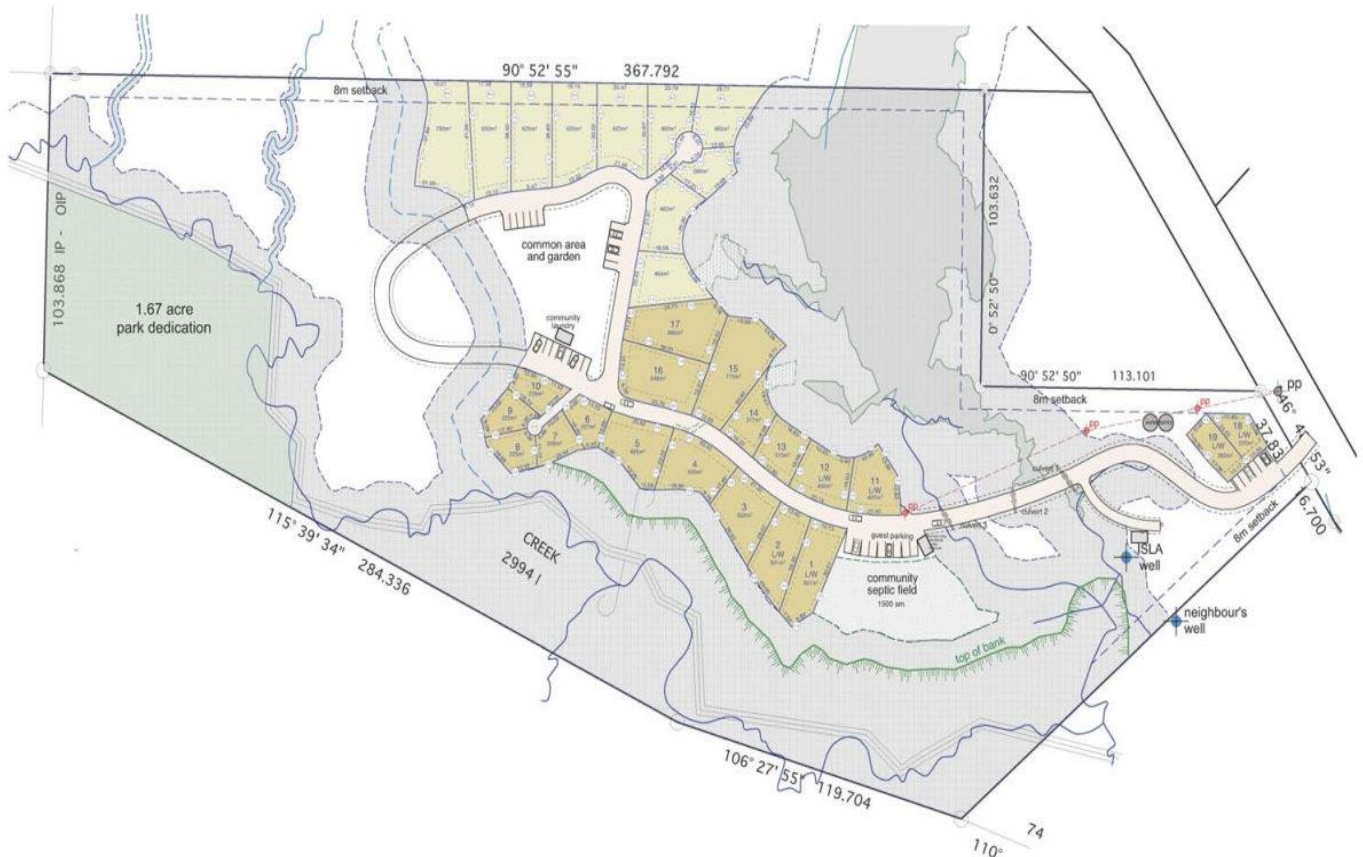
3. **SCHEDULE C – COMMUNITY HOUSING (R3A) ZONE (ISLA) – STRATA LOT SETBACKS**, as shown on attached Plan 1 is inserted after **SCHEDULE B: BYLAW AREA MAP**

# HORNBY ISLAND LOCAL TRUST COMMITTEE

## BYLAW 154

### PLAN No. 1

#### Schedule 'C' Hornby Island Land Use Bylaw No. 150, 2014



#### "Community Housing (R3A) Zone (ISLA) – Strata Lot Setbacks"



File No.: HO-6500-20  
(Vacation Home Rentals)

DATE OF MEETING: January 9, 2017  
TO: Hornby Island Local Trust Committee  
FROM: Aleksandra Brzozowski, MCIP, RPP  
Island Planner  
Northern Office  
SUBJECT: Vacation Home Rentals Policy Review  
Draft Project Charter

## RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee endorse the draft Project Charter for the Vacation Home Rental Review Project.
2. That the Hornby Island Local Trust Committee pursue targeted recruitment for up to three additional members for the Advisory Planning Commission in support of the Vacation Home Rental Review Project.

## REPORT SUMMARY

This report follows up on input given to staff from the Local Trust Committee (LTC) and members of the Advisory Planning Commission (APC), and introduces a draft Project Charter to set out overarching objectives and milestones for the Vacation Home Rentals Policy Review project.

## BACKGROUND

The review and consideration of vacation home rentals on Hornby Island began in 2009 and resulted in amendments in 2012 to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to include objectives, policies, and regulations for vacation home rental uses on Hornby Island.

Policy 6.5.3.9 of the OCP gave direction to review home vacation rentals regulations after five years:

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

Throughout 2016, the LTC discussed emerging issues on the subject of home vacation rentals on Hornby Island, and identified the need for a review process in 2017/2018 to assess the effectiveness of policies, regulations, and enforcement regarding vacation home rentals on Hornby Island.

## ANALYSIS

### Policy/Regulatory:

Please refer to the staff report presented at the October 14, 2016 Hornby Island Local Trust Committee (LTC) meeting for detailed information on relevant policies and zoning designations.

## Issues and Opportunities:

### Draft Project Charter

The attached draft Project Charter outlines the overarching milestones and timeline for the VHR Policy Review project. Staff solicits comments and amendments from the LTC prior to endorsement.

Features of the draft Project Charter include the following.

- A community survey, to be administered by Staff with input from the APC;
- Staff analysis of emerging trends and issues on the topic of Vacation Home Rentals;
- A community consultation process facilitated by the APC to further explore the topics raised through the survey and identified by staff;
- Referral to the APC of specific policy areas for in-depth discussion and recommendations; and
- Possible improvements to Vacation Home Rental policies and guidelines.

### Advisory Planning Commission

The APC is currently comprised of three members. The LTC advertised in November 2016 for further expressions of interest to fill out the commission, but none were received. The LTC has advertised again in January 2017; at the time of this report, no expressions of interest were received.

Because the APC is to have a substantial role in the community review of Vacation Home Rental policies, the LTC has expressed a desire to have an APC that represents the diversity of the Hornby Island community in regards to this topic. Considering this specific intention, Staff recommends that the LTC identify desired communities of interest it looks to engage in order to provide direction for targeted recruitment of future APC members. This targeted recruitment would take place over February and March while staff draft Terms of Reference for the APC, to be presented for initial LTC review at the March 31, 2017 meeting.

## Consultation:

The roles and tasks of the APC in this consultation process will be described in the Terms of Reference, to be drafted and then referred to the APC.

The public will be a key participant in the VHR Policy review.

## ALTERNATIVES

The LTC may choose to defer the VHR Policy Review. An appropriate resolution, in this case, would be “That the Hornby Island Local Trust Committee defer the review of vacation home rentals (to a later date).”

## NEXT STEPS

The next steps for this project would be the drafting of the APC’s VHR Project Terms of Reference.

|               |                                  |                  |
|---------------|----------------------------------|------------------|
| Submitted By: | Aleksandra Brzozowski, MCIP, RPP | January 10, 2017 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP           | January 13, 2017 |

## ATTACHMENT

1. Draft Project Charter – Home Vacation Rental Policy Review

# Vacation Home Rental Policy Review **DRAFT** Project Charter

Hornby Island Local Trust Committee

Date: January 9, 2017

**Purpose** This project will review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island, should there be areas to improve regulation and enforcement.

**Background** In 2012, the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) were amended to provide policies and regulations respecting vacation home rental (VHR) use. The OCP states, "*The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017*".

## Objectives

- Identify and analyze the impacts of Vacation Home Rentals on Hornby Island
- Engage the Hornby Island community for "on the ground" feedback on Vacation Home Rentals
- Improve balanced enforcement of Vacation Home Rentals
- Possible improvements to Vacation Home Rental policies and guidelines

## Scope & Deliverables

- Community Survey to identify emerging trends and impacts of Vacation Home Rentals (VHRs)
- Inventory of issues for review, including enforcement issues
- Community-led consultation on impacts of VHRs
- Recommendations for adjustments to policies and guidelines in the OCP and LUB

## Workplan Overview

| Deliverable/Milestone                                                                                                           | Date             |
|---------------------------------------------------------------------------------------------------------------------------------|------------------|
| Establish Advisory Planning Commission (APC) terms of reference                                                                 | Spring 2017      |
| Conduct community survey to compile basic information on current operations, emerging trends, and to identify topics for review | Spring 2017      |
| Report to LTC and community analyzing results of the survey                                                                     | Summer 2017      |
| APC-facilitated community consultation to solicit community input on identified impacts of the vacation rental sector           | Fall 2017        |
| Referral of specific questions to APC                                                                                           | Fall 2017        |
| APC to provide recommendations for adjustments to policies and guidelines                                                       | Fall/Winter 2017 |
| LTC consideration of APC recommendations                                                                                        | Winter 2018      |

## Project Team

|                                            |                                   |
|--------------------------------------------|-----------------------------------|
| Aleksandra Brzozowski, Island Planner      | Project Manager                   |
| Hornby Island Advisory Planning Commission | Project Facilitators and Advisors |
| Barb Dashwood, GIS Technician              | Mapping support                   |
| Wil Cottingham, Office Admin Asst.         | Meeting arrangement               |

### RPM Approval:

Ann Kjerulf

Date:

### LTC Endorsement:

Resolution #:

Date:

## Budget

Budget Sources: Hornby OCP/LUB projects 2016-2017, APC review of Vacation Home Rentals 2017-18

| Fiscal | Item                       | Cost           |
|--------|----------------------------|----------------|
| 16-17  | Community Survey           | \$500          |
| 17/18  | APC Community consultation | \$500          |
| 17/18  | APC Meetings               | \$500          |
|        |                            |                |
|        | <b>Total</b>               | <b>\$1,500</b> |



## Top Priorities

### Hornby Island

| No. | Description                                    | Activity                                                                                                                                              | R/Initiated | Responsibility                                           | Target Date |
|-----|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------------------------|-------------|
| 1   | Relationship building with Komoks First Nation | Participate in proposed upcoming C2C meeting.                                                                                                         | 12-Feb-2016 | Laura Busheikin<br>Tony Law<br>Alex Allen<br>Ann Kjerulf |             |
| 2   | Housing amendments                             | Review of community housing definition and setback requirements for the 8.3A, Community Housing zone of Bylaw No. 150<br>Prepare draft amending bylaw | 10-Jun-2016 | Rob Milne                                                |             |
| 3   | Vacation rentals review                        | Develop a TOR for APC review of vacation home rentals<br>Prepare staff report                                                                         | 10-Jun-2016 | Ann Kjerulf                                              |             |

**Projects****Hornby Island**

| Description                                             | Activity                                                                                                                                                                                                                                                                                                       | R/Initiated |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Home occupation review                                  | Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.                                                                                                                                                                    |             |
| Environmentally sensitive areas                         | Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile; and<br>Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP. | 26-Apr-2013 |
| Residential density review                              | Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews.                                                                                                                             | 07-Jun-2013 |
| Beach access inventory                                  | Conduct an inventory and assessment of beach access and other unopened road allowances                                                                                                                                                                                                                         | 12-Jul-2013 |
| Marine / shoreline protection information and education | Provide information and education to the public with respect to the marine environment and shoreline protection                                                                                                                                                                                                | 07-Feb-2014 |
| Groundwater protection and water conservation tools     | Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation.                                                          |             |
| Farm policy and regulatory review                       | Develop and implement a project to support accessible opportunities for small-scale farming and address farming activities on non-ALR land involving consultation with relevant agencies and review of applicable policies and regulations.                                                                    |             |
| Ford Cove Consultation                                  | Conduct a consultative process for the Ford Cove area                                                                                                                                                                                                                                                          |             |



## Projects

### Hornby Island

| Description                                               | Activity                                                                                                                                                                            | R/Initiated |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Public Use area planning                                  | Support collaborative planning process for Public Use areas                                                                                                                         | 27-Mar-2015 |
| Coastal Douglas Fir and associated ecosystem conservation |                                                                                                                                                                                     | 12-Feb-2016 |
| Communication with residents/owners                       | Identifying opportunities to provide information to new residents and property owners with respect to Islands Trust, Official Community Plan and Land Use Regulations               | 14-Oct-2016 |
| Development Procedures Bylaw                              | Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications. | 03-Feb-2012 |
| GHG Emissions Reduction                                   | Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.                                                               | 03-Feb-2012 |

### OVERVIEW

The Hornby Island Local Trust Committee (LTC) held a 'Goal Setting Session' on February 27, 2015, facilitated by planning staff. The session took about an hour and comprised the following steps:

1. **Wishlist** - A brainstorming of what the three Trustees hoped to get out of the 2014-2018 term. The trustees completed this step independently using post-it notes and then shared their goals.
2. **What Else?** - A review of the current Top Priorities list, the Projects list, and any external requirements and considerations. The LTC identified certain topics and tasks they agreed should be added to the discussion.
3. **Grouping and Filtering** - Reviewing all the individual goals and additional topics and tasks, similar goals and tasks were grouped. Synergies were also considered.
4. **The Goals List** - The LTC established goals for the term. Some were content-related, some were process-related.

The resulting list of goals for the 2014-2018 term represents the result of an initial conversation this LTC had at the start of their term about shared goals. This list can be referred to over time should the LTC find it useful during the course of their term, and can be further refined.

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### SUMMARY NOTES FROM FEBRUARY 27, 2015 SESSION

#### Trustee Responses to "Wish List" Brainstorm

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Improve relationships with First Nation</li> <li>• Engage with K'omoks First Nation</li> <li>• Strengthen and maintain relationship with K'omoks First Nation</li> <li>• Encourage more community engagement with LTC issues</li> <li>• Improve 2-way communications with community</li> <li>• Identify communication avenues to engage our community in LTC (IT)</li> <li>• Engage the community in Trust work and issues</li> </ul> | <ul style="list-style-type: none"> <li>• Provide information to community on shoreline &amp; marine protection issues</li> <li>• Provide information to community on "building &amp; development" issues and processes</li> <li>• Provide information to community on OCP &amp; LUB &amp; especially on targeted topics in review: housing &amp; economic opportunities</li> <li>• Address discrepancy between "legal" density and multiplicity of "non legal" dwellings providing necessary housing</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Review communities appetite for secondary suites and dwellings (affordable housing)
- Support affordable & seniors' housing
- Work on GHG issues
- Work with community entities on implementation of GHG emissions reduction & transportation issues
- Facilitate/support planning process for “public use” area of the Islands Trust
- Work with community groups on commercial zoning/planning areas
- Address emerging housekeeping issues eg. Zoning of Anderson Drive wells
- Update administrative bylaws as required
- Conduct consultative planning process for Fords Cove area
- Review Vacation Rental policies and regs in 2017
- Review residential density with community
- Protect groundwater
- Complete RAR compliance
- Support a vibrant, appropriate local economy (“appropriate” means in line with our mandate & supportive of community goals)

“What Else” List:

- Address home occupation use on non-resident lot

Draft Long-Range LTC Goals for the 2014-2018 Term

- Provide centralized info to community on new policies & opportunities, shoreline protection/development & building processes/considerations
- Strengthen relationship with K’omoks First Nation
- Address home occupation use on non-resident lot
- Engage community
- Address housing/density issues
- Explore how to engage with community on achieving GHG emission reduction
- Address “public use area” planning
- Address planning in Ford Cove
- Address Anderson Drive wells zoning
- Become RAR compliant
- Review vacation rental policies in 2017
- Review administrative bylaws

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## NEXT STEPS

This list can be referred to in amending the LTC Work Program; the Top Priorities and Projects Lists. Weighing potential projects against identified goals can help set priorities.

The LTC can refer to this list of goals throughout the term, especially when projects are completed and a new project can be moved up to the Top Priorities list for staff to begin work on.

## **Hornby Island LTC Work Program**

### **Suggestions for LTC Discussion**

#### **Communication Strategy for Revised Official Community Plan and Land Use Bylaw**

##### **Suggested elements:**

- Communicate with the community at large about housing opportunities identified in the OCP (and seek input that might inform a process to review residential density)
- Communicate with the community at large about economic opportunities identified in the OCP (especially new home occupation regulations, TUPs, provisions for community trades and services and re-zoning applications)
- Provide information on regulations and best practices with respect to building and land development
- Collaborate with other community organizations to provide information on reducing Greenhouse Gas Emissions
- Provide information on shoreline protection and the marine environment
- Meet with Hornby Island realtors to provide information on regulations and policies.

#### **Prioritization of Issues Identified for Possible Future Projects.**

| Rank | Description                                                                                                                                                                        | Type of Project                                   | Comments                                                                                                                   |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 1.   | Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews. | Consultation;<br>Planning;<br>Regulatory changes? | Kick-started by soliciting community feedback on existing housing policies as part of the OCP/LUB Communications Strategy? |
| 2.   | GHG Emissions Reduction Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.                                      | Communications                                    | Include as part of the OCP/LUB Communications Strategy?                                                                    |
| 3.   | Review and update 'Building on Hornby Island' brochure and include HPO information.                                                                                                | Communications                                    | Include as part of the OCP/LUB Communications Strategy?                                                                    |
| 4.   | Information and education with respect to the marine environment and shoreline protection                                                                                          | Communications                                    | Include as part of the OCP/LUB Communications Strategy?                                                                    |
| 5.   | Relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests.                          | External relationship building                    | Co-ordinate with Denman Island LTC?                                                                                        |

|     |                                                                                                                                                                                                                                                       |                                                                |                                                                                                                |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 6.  | Review of Siting and Use Permit Bylaw No. 52 regarding applicability to the construction of secondary suites and cottages and research requirements for proof of adequate water and septic capability.                                                | Regulatory changes<br>(Administrative)                         | Required follow-up to new OCP/LUB provisions?                                                                  |
| 7.  | Review of vacation home rental regulations by 2017 Sep-13-2013                                                                                                                                                                                        | Review/amend regulations                                       | Bring forward for adding to the work program in 2016                                                           |
| 8.  | Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation. | Research;<br>Consultation;<br>Planning;<br>Regulatory changes? | Begin with scoping out possible approaches?<br>Re-prioritize in response to expressions of community interest? |
| 9.  | Develop and implement a project to support accessible opportunities for small-scale farming and address farming activities on non-ALR land involving consultation with relevant agencies and review of applicable policies and regulations.           | Consultation;<br>Planning;<br>Regulatory changes?              | Re-prioritize in response to expressions of community interest?                                                |
| 10. | Conduct a consultative process for the Ford Cove area                                                                                                                                                                                                 | Consultation;<br>Planning;<br>Regulatory changes?              | Re-prioritize in response to expressions of community interest?                                                |
| 11. | Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.                                                                                                           | Review/amend regulations                                       | Re-prioritize in response to expressions of community interest?                                                |
| 12. | Support collaborative planning process for Public Use area.                                                                                                                                                                                           | Consultation, planning                                         | Re-prioritize in response to expressions of community interest?                                                |
| 13. | Development Procedures Bylaw<br>Consider options prepared by staff for amendments to include requirements for posting signs on property with respect to significant applications.                                                                     |                                                                |                                                                                                                |
| 14. | Inventory and assessment of beach access / unopened road allowances                                                                                                                                                                                   | Research;<br>planning                                          | In collaboration with CVRD and MOTI?                                                                           |
| 15. | Review of environmentally sensitive areas OCP map schedule (D2) as a stand-alone mapping project or addition to the community profile.                                                                                                                | Research;<br>Mapping;<br>Amend OCP?<br>Communications          |                                                                                                                |

*Tony Law – 21 September 2015*



Islands Trust

Print Date: January 18, 2017

## Applications

### Subdivision

| File Number   | Applicant Name       | Date Received | Purpose                                                                                                     |
|---------------|----------------------|---------------|-------------------------------------------------------------------------------------------------------------|
| HO-SUB-2016.1 | BLANCHARD,<br>EVELYN | 23-Feb-2016   | PID: 000-000-604 Section 514 subdivision to provide residence for a relative.<br>Creating two lots from one |

**Planner:** Teresa Rittemann

#### Planning Status

**Status Date:** 10-Jan-2017

No change in status.

**Status Date:** 07-Jun-2016

Revised referral report sent to MOTI. Applicant would need to rezone their property as subdivision does not meet current zoning bylaws.

**Status Date:** 25-May-2016

PLNA sent by MOTI. File reassigned to planner TR.

| File Number   | Applicant Name | Date Received | Purpose                                                                                          |
|---------------|----------------|---------------|--------------------------------------------------------------------------------------------------|
| HO-SUB-2016.5 | PANNELL, BRIAN | 08-Nov-2016   | PID: 001-275-275 5115 Paul Road, Hornby Island, BC. Two lot subdivision, residential for family. |

**Planner:** Teresa Rittemann

#### Planning Status

**Status Date:** 10-Jan-2017

Applicant has entered into Cost Recovery with IT. RWM in progress to have HO LTC decide to have Chair sign Covenant. Applicant's lawyer submitted Letter of Undertaking to register covenant when ready.

**Status Date:** 17-Nov-2016

Planner discussed application with RPM. Reviewed application under repealed HO LUB No. 86. Subdivision referral report emailed to MOTI, HO LTC, and applicants. Will wait for PLA from MOTI. If subdivision not approved by February 12, 2017, application will need to be re-reviewed under new HO LUB No. 150.

**Status Date:** 10-Nov-2016

Application and fees received Nov 8, 2016 by IT to open this application. File assigned to planner TR

***Islands Trust***  
LTC EXP SUMMARY REPORT F2017  
Invoices posted to Month ending November 2016

| 635 Hornby                     | Invoices posted to Month ending November 2016 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|--------------------------------|-----------------------------------------------|-----------------|-----------------|-----------------|
| 65000-635                      | LTC "Trustee Expenses"                        | 750.00          | 707.52          | 42.48           |
| <b>LTC Local</b>               |                                               |                 |                 |                 |
| 65200-635                      | LTC - Local Exp - LTC Meeting Expenses        | 2,750.00        | 1,085.88        | 1,664.12        |
| 65210-635                      | LTC - Local Exp - APC Meeting Expenses        | 500.00          | 0.00            | 500.00          |
| 65220-635                      | LTC - Local Exp - Communications              | 1,000.00        | 396.72          | 603.28          |
| 65230-635                      | LTC - Local Exp - Special Projects            | 500.00          | 0.00            | 500.00          |
| <b>TOTAL LTC Local Expense</b> |                                               | <u>4,750.00</u> | <u>1,482.60</u> | <u>3,267.40</u> |
| <b>Projects</b>                |                                               |                 |                 |                 |
| 73001-635-2004                 | Hornby OCP/LUB                                | 3,600.00        | 840.71          | 2,759.29        |
| 73001-635-4067                 | Hornby First Nations Relations                | 1,500.00        | 0.00            | 1,500.00        |
| <b>TOTAL Project Expenses</b>  |                                               | <u>5,100.00</u> | <u>840.71</u>   | <u>4,259.29</u> |

# Hornby Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

| No | Meeting Date       | Resolution No. | Issue                                                                          | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|--------------------|----------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | November 22, 2013  | HO-O43-2013.   | Enforcement Actions related to rentals of Accessory buildings by non-residents | <p><b>It was MOVED and SECONDED,</b></p> <p>1. that whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which amongst other items includes a review of home occupation AND THAT whereas neither document addresses the rental of accessory buildings for non-commercial use it is resolved that enforcement actions related to the rental of accessory buildings shall be considered to be a low priority;</p> <p>2. that nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities without notice; and</p> <p>3. that unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.</p> |
| 2. | September 19, 2014 | HO-IC-2014-001 | Amend Expiration date of Resolution No. HO-043-2013                            | <p><b>During Rise and Report in the regular business meeting Chair Graham reported the following resolution:</b></p> <p><b>HO-IC-2014-001</b><br/> <b>It was MOVED and SECONDED,</b><br/> that the Hornby Island Local Trust Committee amend the expiration date of Resolution No. HO-043-2013 to September 30, 2015.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3. | October 2, 2015    | HO-IC-2015-003 | Amend Expiration date of Amending Resolution No. HO-IC-2014.001                | <p><b>During Rise and Report in the regular business meeting Chair Busheikin reported the following amendment to resolution HO-IC-2014.001:</b></p> <p><b>HO-IC-2015-003</b><br/> <b>It was MOVED and SECONDED,</b><br/> that the Hornby Island Local Trust Committee amend the expiration date of Resolution HO-IC-2014-001 to March 31, 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4. | August 12, 2016    | HO-2016-034    | Amend Expiration date of Amending Resolution No. HO-IC-2014.001                | <p><b>HO-2016-034</b><br/> <b>It was MOVED and SECONDED,</b><br/> <b>that the Hornby Island Local Trust Committee amend the expiration date of Resolution HO-IC-2014.001 to September 30, 2017.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



# Memorandum

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Date December 18, 2016 File Number 3030-01  
General

To Denman Island Local Trust Committee  
Gabriola Island Local Trust Committee  
Hornby Island Local Trust Committee  
Lasqueti Island Local Trust Committee

From Aleksandra Brzozowski  
Island Planner  
Northern Office

Re New Resource Material regarding shoreline protection information for property owners

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This memorandum provides information to Northern Region Local Trust Committee (LTCs) on a recently produced shoreline protection information guide.

## Your Marine Waterfront Guide

Islands Trust Staff and the Green Shores for Homes – BC Pilot Project (GSH-BC) Advisory Group have coordinated an additional written resource for waterfront properties in BC. *Your Marine Waterfront: a guide to protecting your property while promoting healthy shorelines (Canadian Edition)* is a modified version of a Washington Department of Fish and Wildlife (WDFW) guide, aimed to provide waterfront property owners with detailed information on how to assess a site's waterfront features and vulnerabilities, as well as provide information about design techniques to soften shorelines.

The original version of this guide was possible due to a grant from the United States Environmental Protection Agency and was budgeted at \$50,000; the opportunity to modify this resource for the BC context at no further cost is very much appreciated by the Green Shores for Homes - BC Pilot Project. Furthermore, staff at the WDFW modified the changes pro bono, a commitment for which the GSH-BC Advisory Group is particularly grateful.

The 48-page guide is available on the Islands Trust website at <http://www.islandstrust.bc.ca/media/341720/your-marine-waterfront-canadian-edition-final-web-version.pdf> (large file - 12MB). Please advise staff should you wish to post a link to this resource on your LTC website.

If the LTC wishes to arrange for hard copy printing of the guide, please advise staff of how many copies would be needed. The Thetis and Gambier LTCs as well as the Local Planning Committee have committed funds to hard copy printing; slight economies of scale are possible with a grouped print run. Printing estimates cost the guide at approximately \$10/guide.