



Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: December 1, 2017
Time: 11:30 am
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Pages

1. CALL TO ORDER 11:30 AM - 11:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS 11:35 AM - 11:45 AM
4. COMMUNITY INFORMATION MEETING - VACATION HOME RENTAL REVIEW PROJECT 11:45 AM - 1:00 PM
 - 4.1 Staff Presentation of Community Survey Results
 - 4.2 Question and Answer Session

-- BREAK -- 1:00 PM TO 1:15 PM
5. LOCAL TRUST COMMITTEE PROJECTS 1:15 PM - 1:45 PM
 - 5.1 Vacation Home Rental Review Project - Staff Report 4 - 47
 - 5.2 Relationship Building with K'moks First Nation - Staff Report 48 - 54
6. APPLICATIONS AND REFERRALS 1:45 PM - 2:25 PM
 - 6.1 Islands Trust Fund Regional Conservation Plan - Briefing 55 - 56
 - 6.2 Islands Trust Fund Five Year Plan - Briefing 57 - 58
 - 6.3 HO-LCB-2017.1 (Davie - Isla de Lerenca Vineyard) - Staff Report 59 - 86
 - 6.4 Bylaw No. 155 (Housekeeping) - Staff Report 87 - 90

Hornby Island Local Trust Committee Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017".
7. DELEGATIONS 2:25 PM - 2:40 PM
 - 7.1 Islanders Secure Land Association - presentation

8.	MINUTES	2:40 PM - 2:50 PM	
8.1	Local Trust Committee Minutes dated September 8, 2017 - for Adoption		91 - 98
8.2	Section 26 Resolutions-without-meeting Report November 22, 2017		99 - 99
8.3	Advisory Planning Commission Minutes - none		
9.	BUSINESS ARISING FROM MINUTES	2:50 PM - 3:05 PM	
9.1	Follow-up Action List dated November 22 , 2017		100 - 101
10.	CORRESPONDENCE	3:05 PM - 3:10 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	September 18. 2017 Acknowledgement Letter from BC Ferries Freedom of Information to B Weiss and Support Letter from D Bond		102 - 103
11.	REPORTS	3:10 PM - 3:35 PM	
11.1	Work Program		
11.1.1	<u>Top Priorities Report dated November 22, 2017</u>		104 - 104
11.1.2	<u>Projects List Report dated November 22, 2017</u>		105 - 106
11.1.3	<u>Hornby LTC 2014-2018 Term Goal Setting Session</u>		107 - 109
11.1.4	<u>Work Program - Suggestions for Discussion</u>		110 - 111
11.2	Applications Report dated November 22, 2017		112 - 115
11.3	Trustee and Local Expense Report dated October, 2017		116 - 116
11.4	Adopted Policies and Standing Resolutions		117 - 117
11.5	Local Trust Committee Webpage		
11.6	Chair's Report		
11.7	Trustee Reports		
11.8	Electoral Area Director's Report		
11.9	Trust Fund Board Report dated October, 2017		118 - 119
12.	NEW BUSINESS	3:35 PM - 4:00 PM	
12.1	2018 Local Trust Committee Meeting Schedule - Memorandum		120 - 121
12.2	First Nations Interests and Local Trust Committee Commitments at Official Community Plan Approval - Memorandum		122 - 139
13.	UPCOMING MEETINGS		
13.1	Next Regular Meeting - to be announced		
14.	TOWNHALL	4:00 PM - 4:10 PM	

15. CLOSED MEETING - none

16. ADJOURNMENT

4:10 PM - 4:10 PM

DATE OF MEETING: December 1, 2017
TO: Hornby Island Local Trust Committee
FROM: Teresa Ritemann, Planner 2
Northern Team
SUBJECT: Vacation Home Rental Policy Review Project –
Results of the Summer 2017 Community Survey

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request Staff to assess potential administrative, permitting, and enforcement issues, to research best practices, and to identify potential measures for improved regulation, education and enforcement of Vacation Home Rentals on Hornby Island.

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) and community members with results of the recent Community Survey for the Vacation Home Rental (VHR) Policy Review Project. Staff have summarized the results of the survey (attachments 1 and 2), and are recommending further assessment, as per the Project Charter (attachment 3).

BACKGROUND

During the July 7, 2017 LTC meeting, the LTC endorsed Version 2.1 of the Project Charter for the Vacation Home Rental Policy Review Project. LTC objectives for this project are to engage the community for “on the ground” feedback on VHRs, and to identify and analyse the impacts of VHRs on Hornby Island.

From August 14 to September 11, a community survey was conducted to compile baseline information on what the community feels are the overall benefits and drawbacks of VHR uses; a summary of the results are included in attachments 1 and 2.

ANALYSIS

Survey Results – (see attachment 1 for more information)

- 241 Total Responses (of approximately 1000 Hornby Island residents)
- 60% received online through Survey Monkey, and 40% received as paper copies

The survey included a description of the 3 Types of Vacation Home Rentals currently permitted on Hornby:

- Type 1 VHR: A dwelling unit that guest(s) stay in, which is normally lived in by an owner or tenant, but who have temporarily left while the guest(s) stay in the house.
- Type 2 VHR: A dwelling unit that guest(s) stay in, which is seasonally lived in by an owner or tenant, and so the guest(s) stay there during times when the resident(s) would be absent anyway.

- Type 3: A dwelling unit that guest(s) stay in, which is completely separate from the other dwelling unit that an owner or tenant lives in on the same lot

Question 1: Based on the three VHR types above, please select the answer which most closely applies to your situation (Options: owner/tenant of a Type 1 VHR; owner/tenant of a Type 2 VHR; owner/tenant of a Type 3 VHR; Resident (owner/tenant) of a Hornby Lot not used for VHR; other)

- More than half of respondents were resident owners/tenants of Hornby Lots **not used for VHR**
- And **23/241 Type 1, 46/241 Type 2, and 21/241 Type 3** (22/241 “Other” answers)

Question 2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community.

- **147/241** respondents felt that **Type 1 VHRs somewhat/very positively** impacted Hornby;
- **144/241** respondents felt that **Type 2 VHRs somewhat/very positively** impacted Hornby; and
- **162/241** respondents felt that **Type 3 VHRs somewhat/very positively** impacted Hornby.

Question 3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island...

- Top factors with high rates of respondents selecting “**somewhat/very positively**” impacted by VHR use
Commercial Businesses (not including home occupations) (182/226)
Overall Economic Development (180/225)
Home Occupations (including B&Bs) (134/224)
- Top factors with high rates of respondents selecting “**somewhat/very negatively**” impacted by VHR use:
Ferry Waits & Lineups (170/225)
Freshwater Resource Use (137/227)
Septic Capacity (126/227)
Permanent Resident Housing Availability (123/225)
Potential Nuisances (noise, odour, pets, property encroachments, parking, fire danger etc.) (121/227)
Garbage/Waste Generation and Disposal (119/223)
Usage of Public Parks and Beaches (81/224)
- Residential Character:
42/227 “**very negatively**” impacted
53/227 “**somewhat negatively**” impacted
51/227 “**neutral/don’t know**”
46/227 “**somewhat positively**” impacted
35/227 “**very positively**” impacted
- Top factors with high rates of respondents selecting “**neutral/don’t know**” impacts by VHR use:
Competition with other Commercial Visitor Accommodations (e.g. campgrounds) (129/223)
Septic Capacity (84/227)
Potential Nuisances (noise, odour, pets, property encroachments, parking, fire danger etc.) (82/227)
Permanent Resident Housing Availability (79/225)
Home Occupations (including B&Bs) (70/224)
Garbage/Waste Generation and Disposal (67/223)
Freshwater Resource Use (69/227)
Residential Character (51/227)
Usage of Public Parks and Beaches (55/224)

Question 4: Please share any thoughts or considerations you may have about the potential benefits and/or drawbacks of VHR use in general and/or each of the three VHR types on Hornby Island.

- Qualitative answers; see **attachment 1** for a summary.

Question 5: Please suggest any approaches or best practices you think would be useful to help manage VHR uses on Hornby Island.

- Qualitative answers; see **attachment 1** for a summary.

Question 6: Are you an Operator of a Vacation Home Rental on Hornby Island?

- **165/227 respondents do not Operate a VHR (62/227 do)**

Question 7: Please share with us any other comments or feedback you may have on this topic:

- Qualitative answers; see **attachment 2** for a summary.

Summary of Results

Most of the survey respondents were residents (owners or tenants) of Hornby lots that are not used for VHRs. It isn't certain why more people involved with the three types of VHRs on Hornby did not complete the survey; perhaps it was the duration of the survey, the time of year it was circulated, or the ways in which it was advertised. Alternatively, the results may actually be more representative of the population involved with VHRs on Hornby, as 90 respondents (out of an approximate population of 1000) indicated that they were either an owner or a tenant of a Hornby VHR.

In question 2, respondents were not asked about specific factors contributing to their overall opinions of the three types of VHRs, though **most respondents were of the opinion that each of the three types of VHRs have an overall positive impact on Hornby.**

In question 3, these opinions were broken down further, when respondents were asked about twelve potential impacting factors that had been suggested by the community in previous correspondence on the topic of VHRs. The results indicated that respondents felt quite strongly about the **positive impacts of VHRs on Hornby's economy** (commercial businesses, home occupations, and overall economic development). However, results also showed that respondents felt that **certain factors were negatively impacted by VHRs as well** (namely ferry waits/lineups, freshwater resources, septic (wastewater management), permanent housing availability, potential nuisances, garbage/waste, and the usage of public parks and beaches). "Residential character" was the factor which had the most evenly-divided responses.

Certain factors also had higher response rates of "neutral/don't know", suggesting that more research or more public education may be required to get more definitive response rates.

Questions 4, 5, and 7 were open-ended questions, which were qualitative in nature, and therefore challenging to summarize. However, in general, most of the survey respondents said:

- They want to continue to enjoy the beauty and uniqueness of Hornby Island themselves, and want vacationers to be informed and respectful of the "Hornby way" (their community values and culture).
- They want the vacationers for they recognize the financial boost it brings to their local economy.
- Too many vacationers are detrimental; overcrowding the island, destroying the environment (groundwater, parks, beaches, etc.), changing the overall character of residential neighbourhoods (noise, garbage, etc.), or increasing ferry waits and lineups to the detriment of local residents' ability to travel/commute.

- They want the flexibility and the option to rent their homes to vacationers for additional income, either year-round or part-time. Some Hornby residents even rely on this income.
- They want to ensure that full-time, year-round residents are protected and have affordable housing options for families and young people to remain on Hornby (either renting or owning their own homes).
- They want a sustainable, viable community and economy, complete with services and jobs.
- They want to continue “to preserve and protect Hornby and its unique amenities and environment for the benefit of Hornby residents and of the province generally.”

Issues and Opportunities

Staff appreciate that many Hornby residents took the opportunity to respond to the survey and provide their input. However, Staff caution that, while the responses varied from: *“Ban VHRs completely”* to *“the status quo is working just fine...no problems”* to *“do not regulate VHRs at all, let them be self-regulated”*, the survey responses should not be relied upon solely by the LTC in making policy decisions about VHRs. Staff note the presence of selection bias and over-representation of non-VHR property owner respondents.

In Staff’s assessment of the survey results, there were some key directions for possible improvements to VHR policies and regulations, which Staff recommend be assessed in further detail:

Potential Tools for VHR Regulation: Temporary Use Permits or Development Permits or New/Different Zone

There may be a potential to regulate short term vacation rentals by way of Temporary Use Permits (TUPs) similar to how the Gabriola and North Pender LTCs regulate them; another option may be to establish a Development Permit (DP) Area and guidelines for VHRs; a third option may be to establish a new zone to permit and regulate VHRs. With a TUP, DP, or specific zoning, VHRs would continue to be “legal”; however, an administrative process may be required such as a DP, TUP or rezoning application. Under a DP or TUP framework, VHRs would need to meet certain guidelines before receiving a permit (e.g. prove adequate water quality and quantity, required rainwater collection, testing for adequate septic capacity, building safety (building and fire codes etc.), maximum number of bedrooms and/or occupants per bedroom, noise/nuisance limits, providing “Visitor Info” for guests, etc.). This could help track VHRs and ensure a minimum level of quality assurance and environmental protection. It would be an extra step for VHR owners/operators to go through, but may offer a better balance to ensure that tourists positively contribute to Hornby Island.

Bylaw Development and Enforcement

Bylaw enforcement and voluntary compliance with VHR regulations may continue to be a concern, which is why community buy-in is essential. This should not be an issue that continues to divide the community; there should be an appropriate balance. Community members should have an opportunity to provide feedback on any potential changes, so that they feel empowered by the VHR policies and regulations they helped develop, and that they make sense and are fair for what they are trying to achieve for their island, and also that the regulations are enforced fairly to ensure sustainability (environmental, economic, and social) into the future. This may also be an approach to manage VHRs, because as shown on other islands, if the regulations make sense and are fair, the community is better able to manage itself with fewer complaints of bylaw violations. Additionally, public education and community outreach about the bylaws is important, so that residents understand the regulations.

Year-Round Vacation Home Rentals?

An alternative may be to permit VHRs in all seasons (not just May to September) to give tourists additional opportunities to visit and stay on Hornby outside of the peak seasons, so they can contribute to the local economy year-round. Some homeowners may prefer to rent out on a short term basis in the winter if their family prefers to visit in the summer. Year-round VHRs may offer more flexibility for homeowners.

Year-Round Residential Home Rentals?

One of the concerns that arose numerous times in the survey was the availability of year-round housing options for renters, as some renters are required to move out of a home during the summer tourist peak season. More research needs to be done on housing availability of this type, and additionally on whether or not these housing types are considered “affordable”.

Notably, a housing needs assessment (HNA) for the Northern Region (including Hornby Island) is currently underway. This study, being undertaken by Dillon Consulting on behalf of the Islands Trust Council, is intended to research and identify housing issues and needs (including housing types and tenures that are needed in various island communities), in order to establish a baseline for housing strategies in the future. Aside from the LTC’s current VHR policy review project, the results of the HNA may be helpful for a future LTC project to consider Hornby’s housing (and affordable housing) needs moving forward.

Rationale for Recommendation

Given the breadth and depth of survey responses received, Staff are recommending that the Project move forward with the next step in the Project Charter Workplan, which is for Staff to assess further (see recommendation on page 1 of this report).

ALTERNATIVES

1. Receive for information

The LTC may wish to receive the report for information.

That the Hornby Island Local Trust Committee receive for information the Hornby Island Vacation Home Rental Policy Review Project staff report dated November 3, 2017.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request Staff to provide the following information [requested information and rationale].

3. Not proceed

The LTC may wish not to proceed further with this Project. If selecting this alternative, the LTC should describe the specific rationale for this decision. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request staff to cease work on the Hornby Island Vacation Home Rental Policy Review Project, and remove the project from the work program Top Priority list [for the following reasons].

NEXT STEPS

Assuming the LTC advances Staff’s recommendation on page 1 of this report, Staff will assess the options for next steps of this Project and will report back to the LTC at a future meeting to summarize and discuss this assessment.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	October 20, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 25, 2017

ATTACHMENTS

1. Summarized results of the Summer 2017 Community Survey
2. Summary of other survey comments and feedback received
3. Project Charter – Version 2.1 – Endorsed July 7, 2017

Hornby Island Vacation Home Rental (VHR) Policy Review Project

Presentation Outline

- Project Background
- Summary of Survey Results
- Staff Recommendation for LTC consideration

For the Nov 3,
2017 LTC Meeting

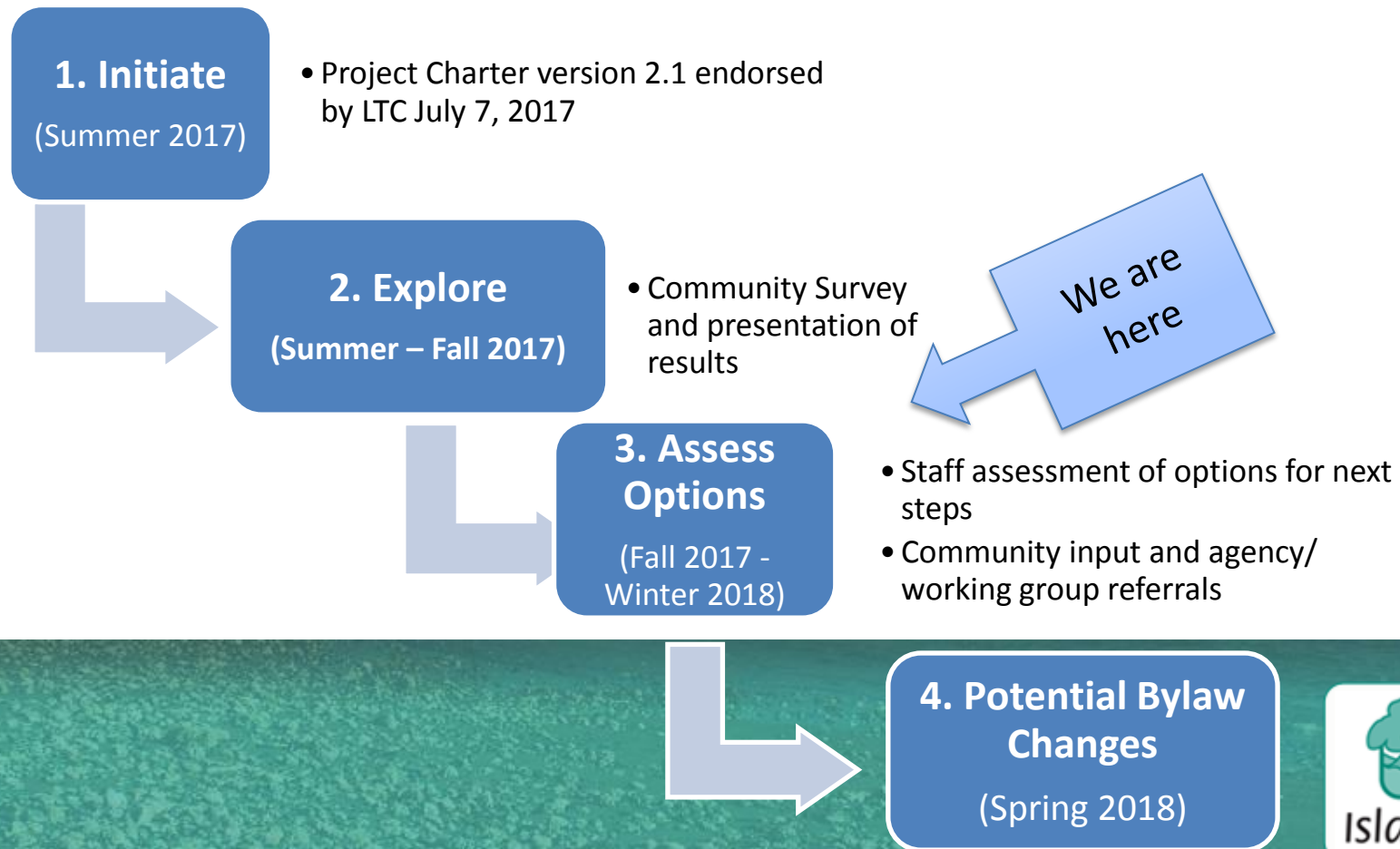
Project Background

This Project will:

- Review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island
- Identify improved approaches through education, regulation, and enforcement of VHRs
- Engage the community for feedback on VHRs to help identify and analyze the impacts of VHRs on Hornby, and to solicit input on any recommended options for potential adjustments to bylaws

Project Background

Where we are now:



Summary of Survey Results

Results of the Summer 2017 Community Survey – Vacation Home Rental Policy Review



- Survey ran from Mon, Aug 14 – Mon, Sept 11, 2017
- 241 Total Responses
- 143 (~60%) responses received online through Survey Monkey
- 98 (~40%) responses received as paper copies

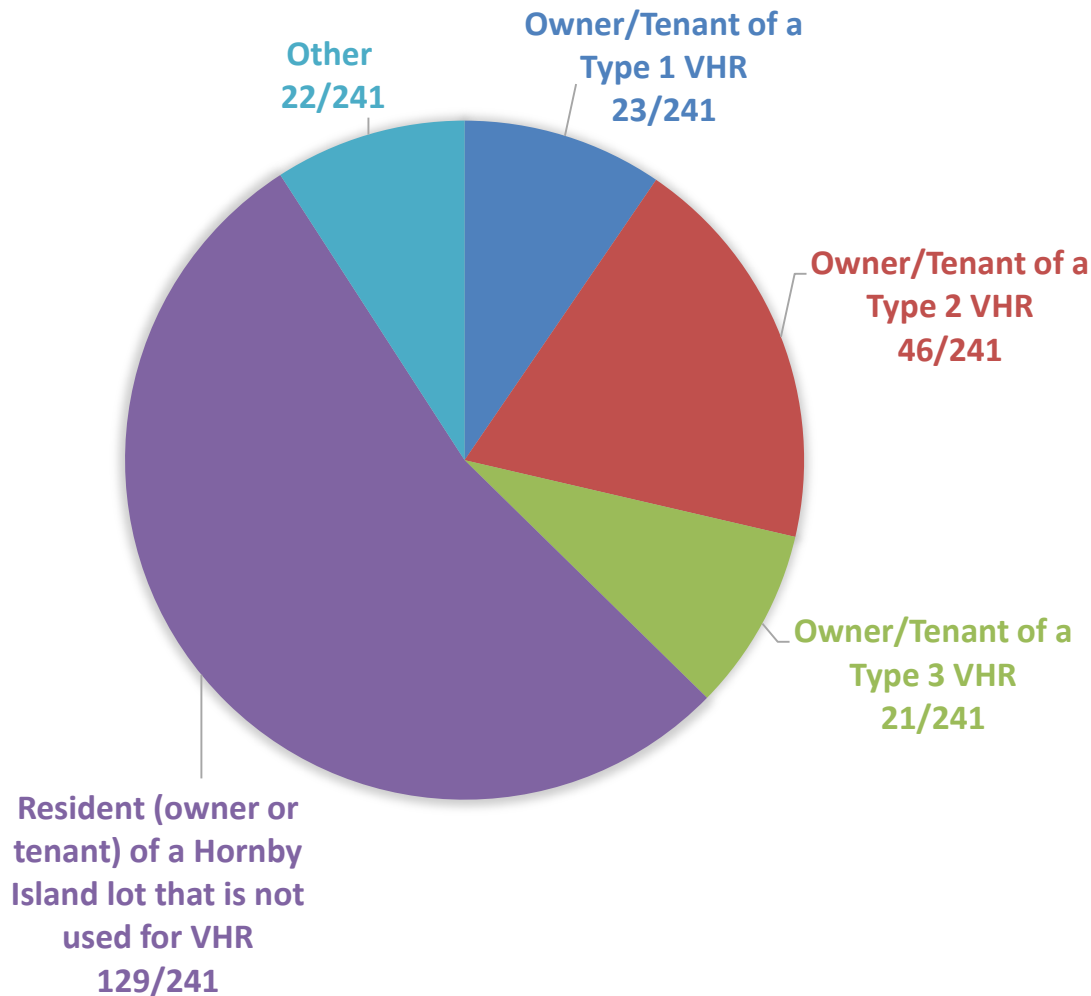


The 3 Types of Vacation Home Rentals on Hornby Island

- Type 1: A dwelling unit that guest(s) stay in, which is **normally lived in** by an owner or tenant, but who have **temporarily left** while the guest(s) stay in the house.
- Type 2: A dwelling unit that guest(s) stay in, which is **seasonally lived in** by an owner or tenant, and so the guest(s) stay there during times when the resident(s) **would be absent anyway**.
- Type 3: A dwelling unit that guest(s) stay in, which is **completely separate from the other dwelling unit** that an owner or tenant lives in on the same lot

Q1: Based on the three VHR types, please select the answer which most closely applies to your situation...

RESPONDENTS



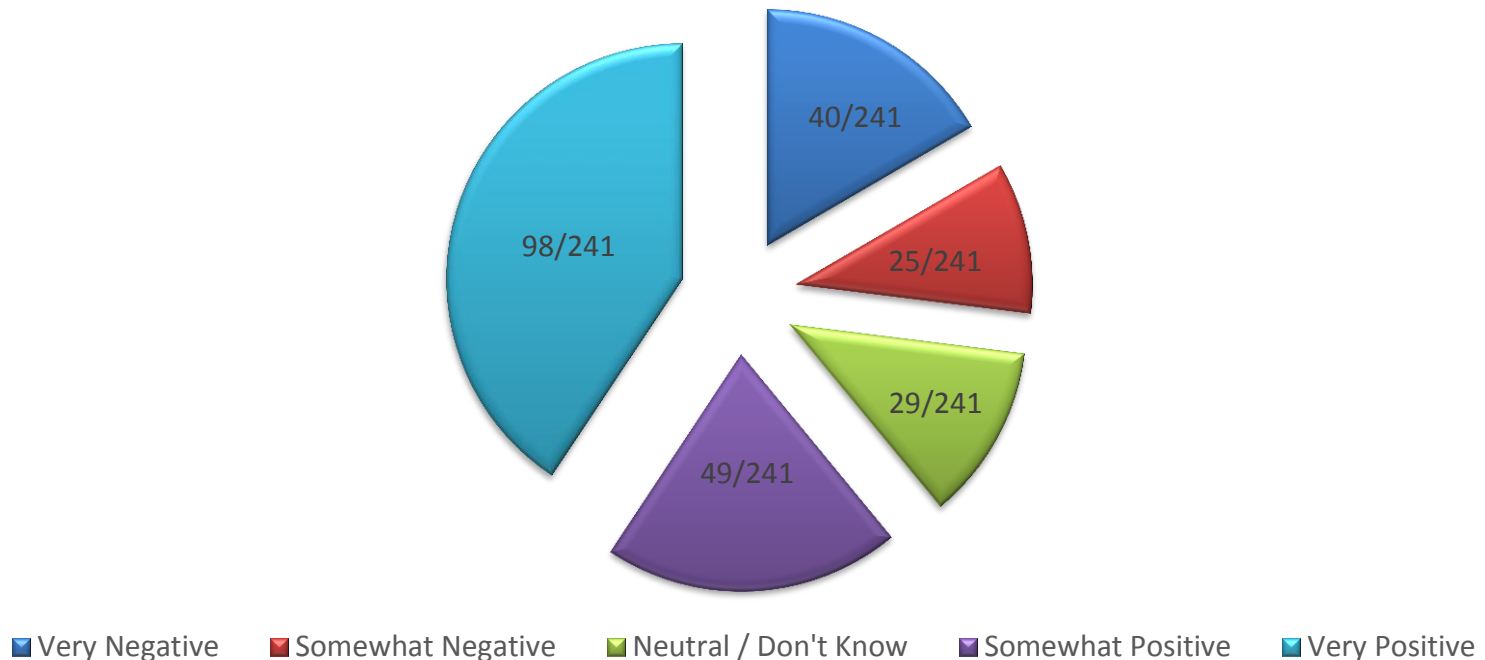
Q1: “Other (please explain)” sample answers

- None of the above
- Live in caretaker
- B&B owners
- VHR Manager
- Denman resident
- Part-time resident
- Was a resident. Had to give up a good job & leave because of lack of housing after a year of searching
- Family uses property for vacation only; or family use part-time and available as a VHR in summer
- Want to do Type 2 (short-term) / Type 1 or 3 (long-term)
- Both Type 3 and a resident of a Hornby lot not used for VHR

Q2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community

Type 1

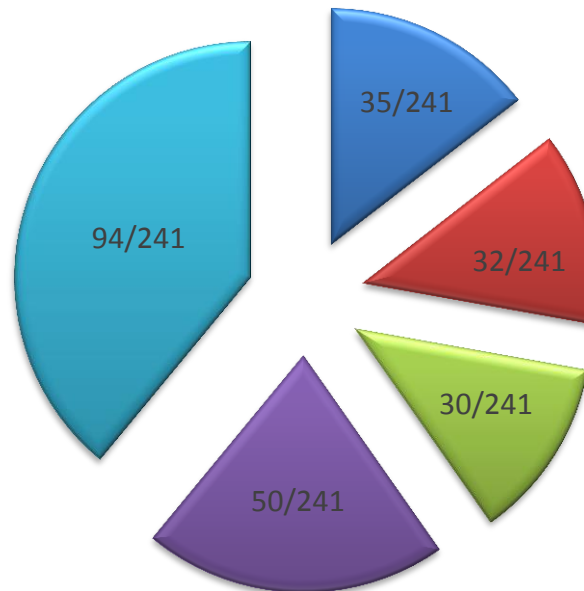
A dwelling that is normally lived in,
and the owner/tenant vacates while guests stay



Q2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community

Type 2

A dwelling that is seasonally lived in,
and guests stay while owner/tenant is absent anyway

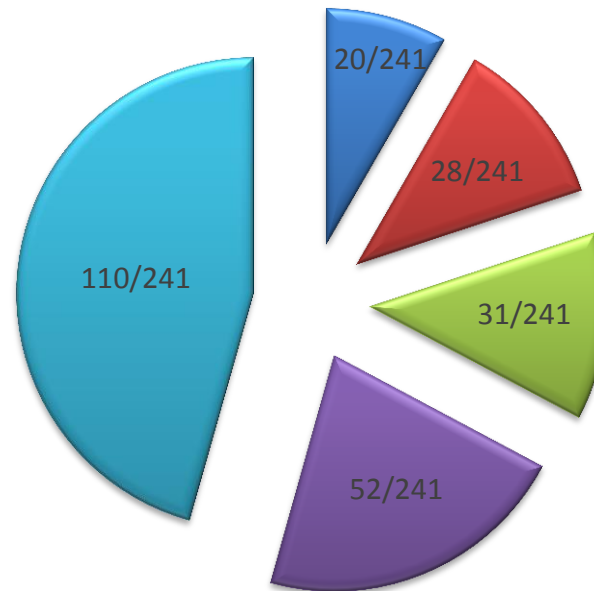


■ Very Negative ■ Somewhat Negative ■ Neutral / Don't Know ■ Somewhat Positive ■ Very Positive

Q2: In your overall opinion, please rate how you feel the 3 VHR types impact the Hornby Island Community

Type 3

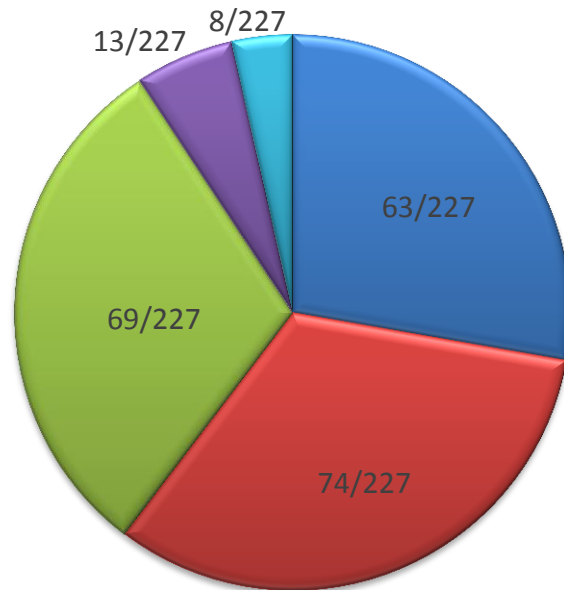
A dwelling for guests that is completely separate, from the owner/tenant's dwelling on the same lot



■ Very Negative ■ Somewhat Negative ■ Neutral / Don't Know ■ Somewhat Positive ■ Very Positive

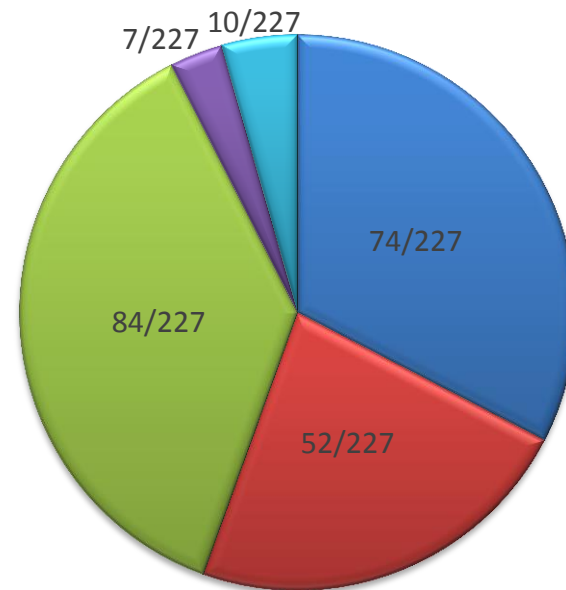
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Freshwater Resource Use



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

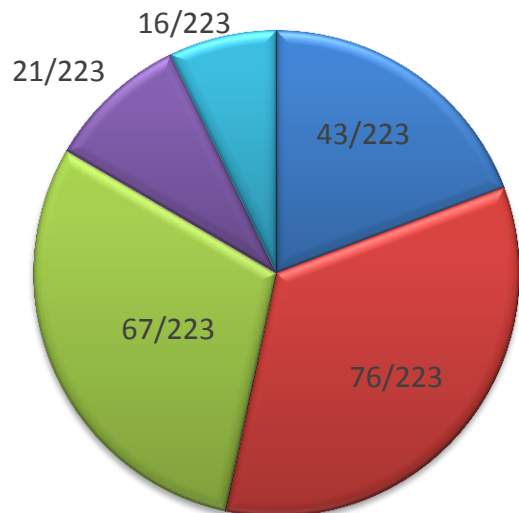
Septic Capacity



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

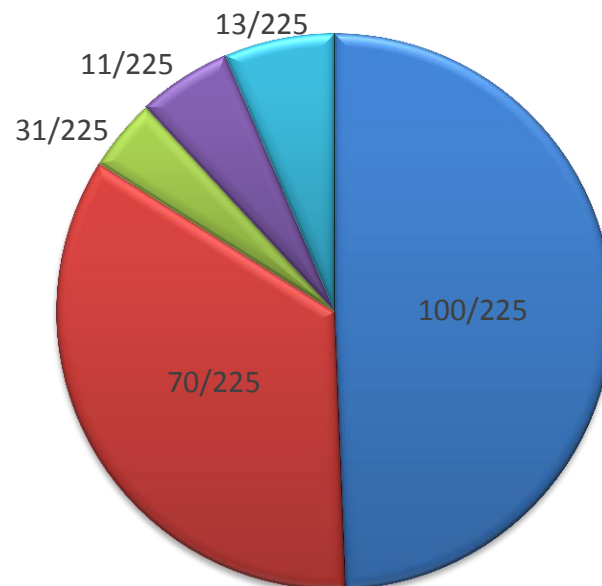
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Garbage / Waste Generation and Disposal



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

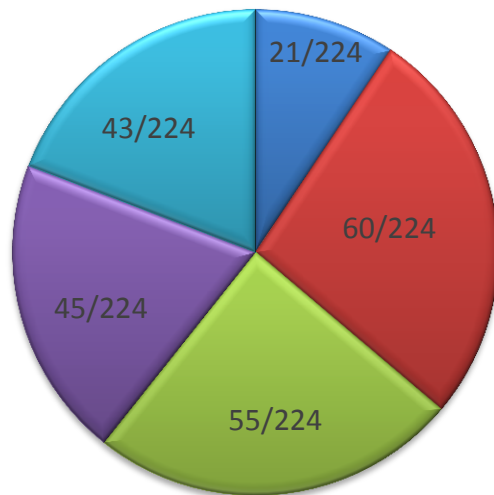
Ferry Waits & Lineups



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

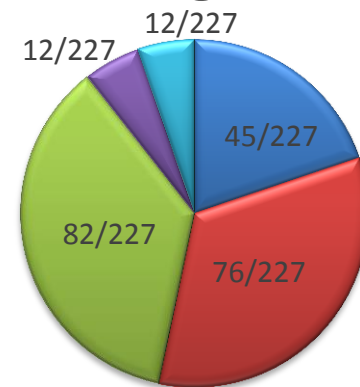
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Usage of Public Parks and Beaches



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

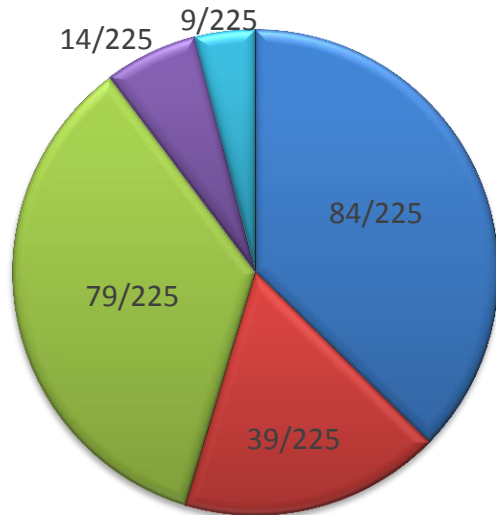
Potential Nuisances (noise, odour, pets, property encroachments, parking, fire danger etc.)



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

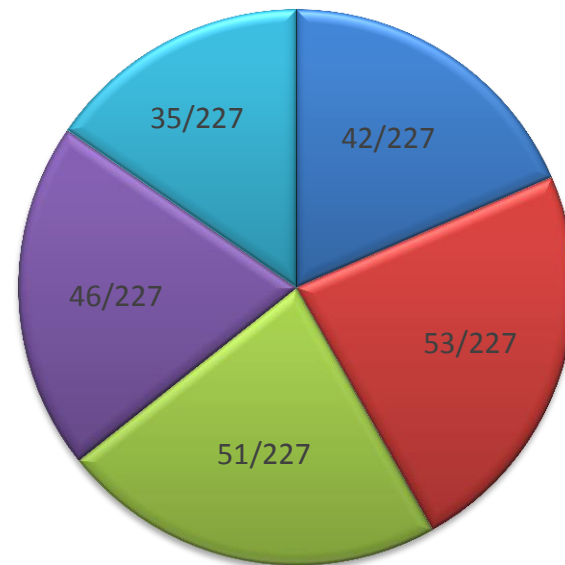
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Permanent Resident Housing Availability



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

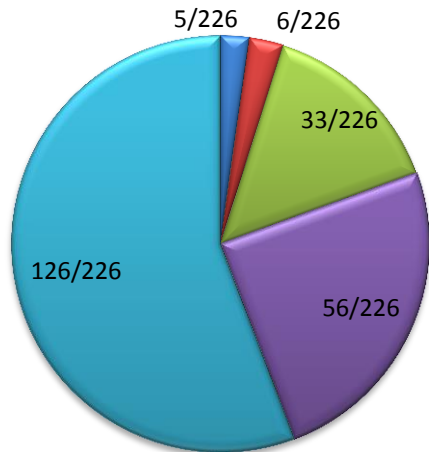
Residential Character



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

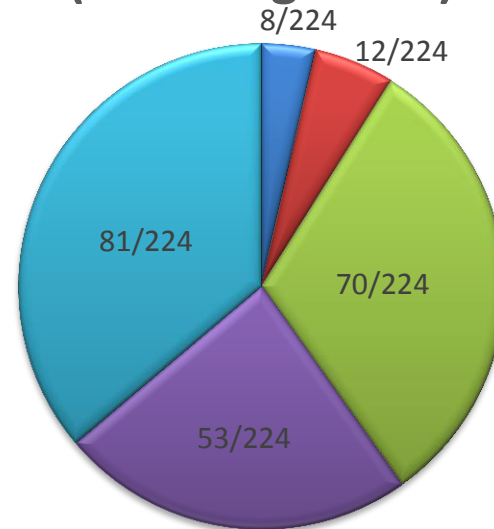
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

**Commercial Businesses
(not including home
occupations)**



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

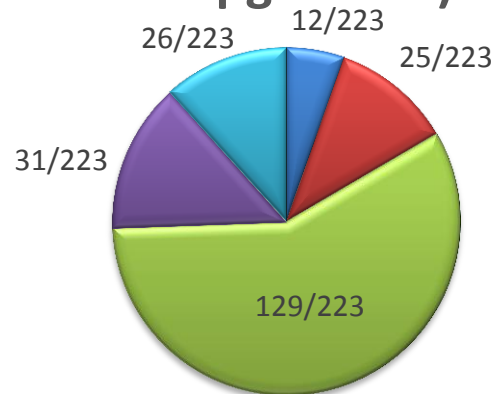
**Home Occupations
(including B&Bs)**



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

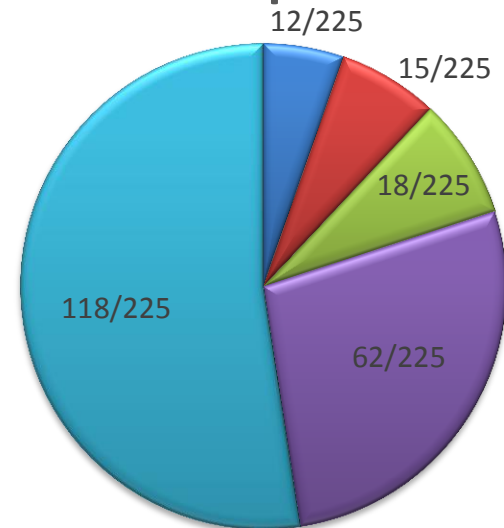
Q3: In your opinion, please rate if/how the following are impacted by VHR use on Hornby Island

Competition with other Commercial Visitor Accommodations (e.g. campgrounds)



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted

Overall Economic Development



- Very Negatively Impacted
- Somewhat Negatively Impacted
- Neutral / Don't Know
- Somewhat Positively Impacted
- Very Positively Impacted



Q4

In four parts

A summary of responses...

Q4

GENERAL BENEFITS of VHR use...

- 155 / 182 respondents suggested economic benefits
 - Local \$, economy, employment, income, jobs;
 - Benefit for both Hornby residents and businesses (Hornby would likely be “poor” without VHRs);
 - Benefit homeowners to make a living/pay property taxes/pay mortgages/improve property values; properties better maintained to attract potential renters
 - Also benefit artisans, Farmer’s Market, Co-Op, Bakery, Gas Bar, Ford’s Cove, Ringside Market, and festivals as well
- 5 / 182 respondents suggested “None”

Q4

GENERAL BENEFITS of VHR use... (cont.)

Other responses included:

- Diversity of people (love having visitors)
- Increased spiritual, intellectual, and cultural resources on island; new energy and ideas, creativity;
- Visitors get to experience a “Hornby vacation” to relax and restore,
- Visitors learn Hornby way of life, peace, and awareness of local concerns/values (e.g. recycling, diversity, volunteerism, creativity, stewardship etc.);
- Visitors are happy and get to have a family home environment – an alternative to tenting/camping;
- Visitors are integrated into neighbourhoods instead of only hotels/campgrounds

Q4

GENERAL BENEFITS of VHR use... (cont.)

Other responses included:

- Allow more visitors to stay over instead of day-trips only
- Increase in visitors = increase in year-round services for full time residents (e.g. Co-Op, Pizza and other variety of places to eat, Arts (theatre, plays, music, festivals, films), sports groups/teams, and increase in positive customer service)
- Houses are not just left vacant; provide home for young people when not occupied by visitors; housing for seasonal staff; more tradespeople and artisans; provides housing affordability to own a house
- Seasonal in nature so don't need to handle it year-round
- Feel less isolated after a dull quiet winter (increased psychological benefits, social, vibrant, inspiring)

Q4

GENERAL BENEFITS of VHR use... (cont.)

Other responses included:

- VHRs serve both residents and visitors (e.g. residents can rent from someone else when family/friends visit but their own house is too small);
- Larger lobby group for improved ferry service and protecting Hornby Island into the future
- Decrease demand for large-scale campgrounds and commercial motels/hotels = keeps Hornby more rural in nature
- Encourage population growth and an increase in population = stability of the work force

Q4

GENERAL DRAWBACKS of VHR use...

- Many repeats from Q3 seen as drawbacks (e.g. ferry lineups/traffic/wait times, septic use, water use and other resources, garbage, noise/pets/fire risk and other nuisances etc.)
- 26 /171 respondents suggested “None/minimal”

Other respondents suggested negative impacts on:

- Parking; public places; resident emotions; local services and infrastructure; Co-Op lineups; internet speeds; residents who are not involved in the tourist economy; businesses only open for tourist season

Q4

GENERAL DRAWBACKS of VHR use...

Other responses included:

- Many homes stay empty all winter; the lack of year-round rentals causes displacement of local renters who lose their homes every summer; unsustainable for residents (26 / 171 respondents)
- Many VHR owners overbook or poorly manage their VHRs which can lead to a decrease in the residential character, and too many visitors per VHR (especially b/c rental costs are too high and visitor families must share to split the cost) (13 / 171 respondents)
- Overcrowding and overpopulation of the island (27 / 171 respondents)
- Only create a few (minimum wage) jobs; available only for short-term; lack of tradespeople; money goes off-island

Q4

GENERAL DRAWBACKS of VHR use...

Other responses included:

- Lack of regulations and/or bylaw enforcement; VHRs are unregistered
- Increase in gentrification, property values/prices (locals can no longer afford), and prices at local shops are too high for both visitors and locals
- Negative / unwanted visitor behaviours
- Roads unsafe (high speed driving, many cyclists on road, need a walk/bike lane)
- VHRs are “way over the top”, make Hornby “more of a resort than a community”, and “divide the community instead of everyone helping out at ISLA”

Q4

BENEFITS and DRAWBACKS by VHR type... Type 1

BENEFITS

- Income (to full-time residents); essential for lower income residents to be able to stay on Hornby; allows many (especially young families) to stay on island by generating income through renting their home in peak season; income without major structural changes; income goes back to community directly; income to cover living expenses
- Guests behave like guests of someone's home (more personal relationship to landlord)
- Limit large-scale commercial to keep Hornby rural
- Least detrimental on year-round housing
- Job creation

DRAWBACKS

- Owner must relocate, as opposed to a B&B situation
- Makes it hard for tenants to find year-round rental housing
- Increase income only for owners who live off-island
- Owner has no control over behaviour of guests
- Causes temporary homelessness when people forced to relocate for guests

Q4

BENEFITS and DRAWBACKS by VHR type... Type 2

BENEFITS

- Income; can help affordability of owning before moving to Hornby full time; income to defray costs for rest of year; affordable off-season rental; income to pay property taxes
- Only benefit if one party rented for owners entire absence
- Limit large-scale commercial to keep Hornby rural
- Least detrimental on year-round housing
- Increases tourist economy for homes that can't be rented year-round
- Job creation
- Allows more than just the top 10 percent of the economy to enjoy owning a vacation home

DRAWBACKS

- Many landlords treat this as a revolving door short-term Airbnb opportunity
- Reduce available full-time rental stock
- Makes it hard for tenants to find year-round rental housing
- Increase income only for owners who live off-island
- Owner has no control over behaviour of guests
- Difficult for young families
- Creates summer homelessness
- The type which provides least income for the island

Q4

BENEFITS and DRAWBACKS by VHR type... Type 3

BENEFITS

- Income (to full time residents and large properties); essential for lower income residents to be able to stay on Hornby; multiplier economic effect to businesses on-island
- Positive influence on the community
- Owner/tenant is present and available for guests as needed (deal with issues, decrease noise and nuisances)
- Year-round economical housing and population stability
- Job creation
- Allows independent living while monitoring property usage

DRAWBACKS

- Owners are purchasing in residential neighbourhoods to operate dwellings as mini-hotels, which changes the residential character of the neighbourhood
- Reduce available full-time rental stock and reduces local accommodation in summer
- Net increase in population and resource use
- High density, especially on small lots
- Causes over-building

Q5

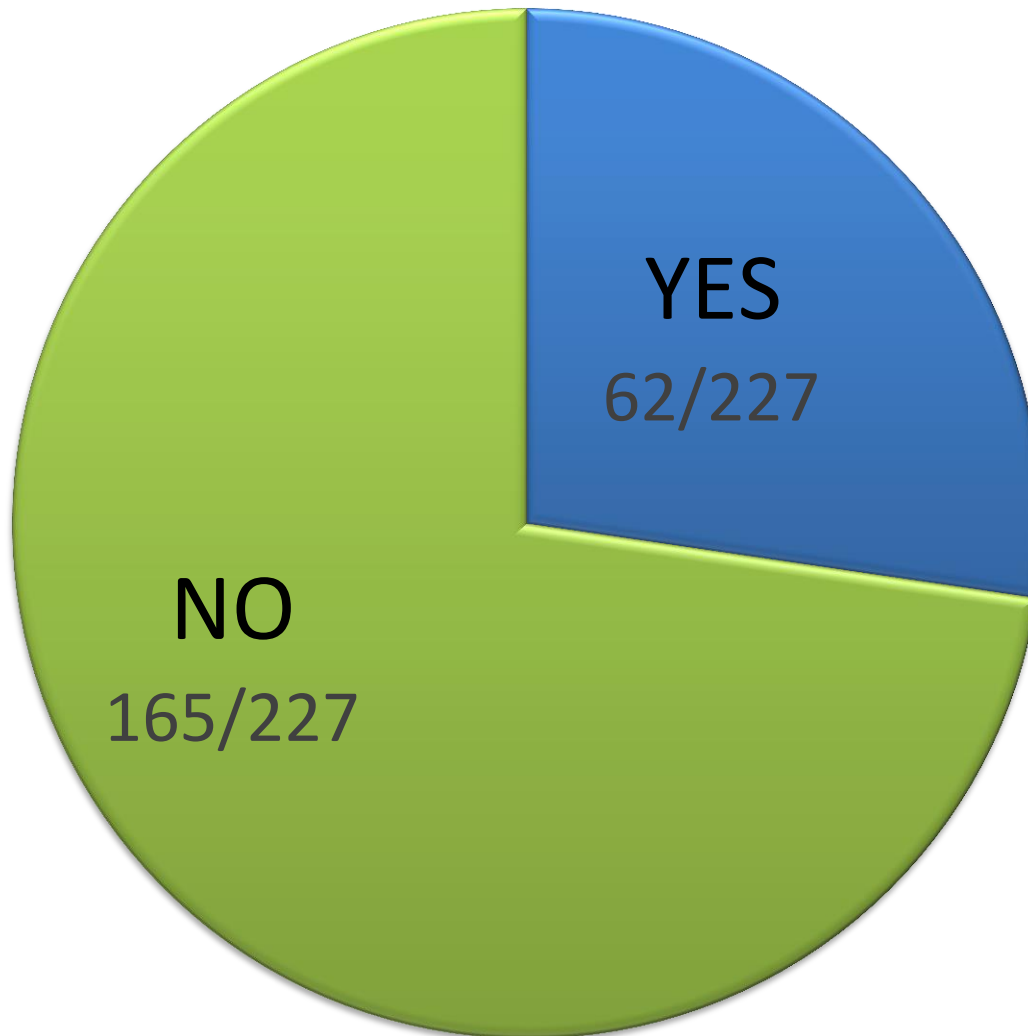
Please suggest any approaches or best practices you think would be useful to help manage VHR uses on Hornby Island

Summary of comments:

- Status quo is unsustainable
- Good as is / no change
- Comply with OCP/LUB policies and regulations – and actually enforce the regulations
- Different regulations for ½ acre lots
- Protect groundwater supply/quality (wells, aquifers) and septic systems
- Control amount of garbage
- Provide visitors with information (water scarcity, preserve/protect, effect on environment/serves etc). Have a template available for landlords?
- Register / license / monitor VHRs (ensure owners/managers present on property to monitor)
- Have one website / Association for all VHRs
- Use TUPs. Don't use TUPs.
- Rezone / designate certain areas as commercial residential
- Restrict the # of occupants and/or the # of bedrooms
- Have \$ caps on rentals
- Restrict # of visitors in July and August in particular
- Tax cuts/perks to full-time renters; commercial tax on VHRs
- Offer more summer campsites
- Have a larger ferry and improved schedule during tourist season

Q6

Are you an Operator of a VHR on Hornby Island?



Q7

Please share with us any other comments or feedback you may have on this topic...

(Comments/Feedback has been summarized and attached to the Staff Report to the Hornby Island Local Trust Committee, dated November 3, 2017)

In Summary...

Survey respondents said...

They want to continue to enjoy the **beauty and uniqueness of Hornby Island themselves, and want vacationers to be informed and respectful of the “Hornby way”** (their community values and culture).

They want the vacationers for they recognize the financial boost it brings to their local economy.

Just not too many vacationers that it is a detriment overall: overcrowding the island, destructs the environment (groundwater, septic, parks/beaches etc.), changes the overall character of residential neighbourhoods (noise, garbage etc.), or increases ferry waits and lineups to the detriment of local residents’ ability to travel/commute.

They want the flexibility and the option to rent their homes to vacationers for additional income. Either year-round, or part-time if they themselves only use their homes occasionally.

Some Hornby residents even rely on this income.

Want to ensure that their full-time, year-round residents are protected and have **affordable housing** options for families and young people to remain on Hornby (either renting or owning their own homes).

They want a **sustainable, viable community and economy, complete with services and jobs.**

Hornby Island residents... want to continue

“to preserve and protect Hornby and its unique amenities and environment for the benefit of Hornby residents and of the province generally.”

Staff Recommendation for LTC Consideration

Given the breadth and depth of survey responses received, Staff are recommending that the Project move forward with the next step in the Project Charter Workplan, which is for Staff to assess further. Thus, Staff's recommendation to the LTC is:

That the Hornby Island Local Trust Committee request Staff to assess potential administrative, permitting, and enforcement issues, to research best practices, and to identify potential measures for improved regulation, education and enforcement of Vacation Home Rentals on Hornby Island.

ATTACHMENT 2 – SUMMARY OF OTHER SURVEY COMMENTS/FEEDBACK RECEIVED

A SUMMARY OF RESPONSES TO QUESTION 7 OF THE SUMMER 2017 VHR SURVEY

“Q7: Please share with us any other comments or feedback you may have on this topic”:

- “A TUP must be obtained, beginning with one year and VHRs must be registered.”
- “The status quo is unsustainable and unacceptable...[our] overall opinion is how we feel or “think”. We don’t have measurements, research to know for sure.”
- “Because of “summer rentals” and owner preference to provide them, Hornby Island has become unavailable to house young families looking to move to the island. There is no longer a winter/school year rental market...many landlords choose to rent for huge weekly amounts rather than rent to full-time residents for a lesser monthly amount for a 10 or 12 month period...the problem most frequently encountered is housing – not the lack of opportunities.”
- “Find some way to limit the invasion...we do not want Hornby Island to be advertised everywhere...we have to find a way to control the numbers. Each year they increase and I, for one, do not appreciate the abuse the island suffers.”
- “This is a challenging issue...like many things it seems that a “middle way” is best.”
- “Do not let Trustees stop enforcement of VHR bylaws by Trust bylaw enforcement department.”
- “I earn most of my income from my VHR and from cleaning for other VHRs. I would not be able to stay on Hornby without it and I have lived here for 37 years.”
- “Have single and family tiny homes for rent. Rent/keep affordable based on Hornby salaries.”
- “My home is NOT a commercial opportunity! Surely we don’t need to rely so completely on summer rental revenue as only source of income? Now I see people coming to Hornby to buy houses/cabins to rent out...I do not recognize these people as neighbours...if you are a property owner, you should be responsible for collecting your own water and need to prove this before attaining license for rental.”
- “I’m retired. I couldn’t live here without summer rental income.”
- “Generally we support short term vacation rentals and feel that economically they are a vital part of our island. As an accommodation business, we have not been impacted by the competition greatly.”
- “Hornby is being “loved to death” in summer and it is getting worse every year with overcrowding etc. Permitting an over-abundance of VHRs just encourages this.”
- “VHRs are an asset to our community. WE depend on it for our young families to survive. VHRs are everywhere, not just Hornby Island. I believe that with respectful guidelines in place for both the home owner/tenants, VHRs can be a positive thing. Maybe VHR should have tanks to be manually filled with water that maybe comes from off island.”
- “Hornby definitely is a highly sought after tourist destination, primarily during the summer months, however, increasingly in the shoulder season as well....should VHRs be shut down or drastically reduced, it would have a severe economic impact on the island ...[which is] dependent on tourism... Possibly the most challenging is for those permanent residents who rent and must find other accommodations July and August every year...Another problem apparently [is] the lack of temporary accommodation for those who work [seasonally]...can be rectified through innovative zoning e.g. finding an area where trailers can be installed and rented on a temporary basis for those families. Commercial outhouses would be provided... Complaints of noise, sewage, or too many people at a rental location should be dealt with by Islands Trust and/or the Regional District...some real estate is being purchased primarily as an investment for rental purposes during

the tourist season... Suggestions have been made that the Islands Trust, if it's legal, could set up a site whereby anyone who wishes to rent either part-time or full-time must register."

- "Airbnb will eventually drive up rents and destabilize our small community in my opinion."
- "Unregulated STVRs destroy the island community."
- "Rentals should have a minimum time allowed (Pender and Gabriola have 30 days). The number of people in a rental must be governed by water availability and septic capacity and by setbacks. Water storage on site must be mandatory! Sale of water should be stopped. Rentals should be required to have licenses and inspection... We are in danger of losing the island to absentee owners...this summer was the worst I have experienced in 50 years of being here."
- "Please end rentals for renters who do not live here and don't contribute to our community!"
- "Many people need this income to survive, pay bills, food, etc. Tourists need places to stay on Hornby."
- "I am concerned about the proliferation happening through online advertising, Airbnb, and...real estate suggested as potential rentals to make it affordable for new owners. Focus needs to be on overcrowding, water stewardship, protecting locals who are renters, and keeping the local flavour alive."
- "I think VHRs are important to the island but it can get out of hand if not managed."
- "The negative impact of groundwater pollution is not worth the seasonal economic benefit."
- "More oversight is needed. The Trust needs to take this seriously as it has a negative impact on neighbourhoods if rules and regulations are being ignored."
- "Do not regulate to death! We all came/come here for some freedom... Rules will not ensure more year round rentals either. Huge assumption."
- "I would like to know what proportion of VHRs [ask tenants to "temporarily leave"] and how people feel about this."
- "It upsets me to see residents, some of them long term residents, turned out of their accommodation in the summer, for short term gain in holiday rentals...I believe that some of the owners who do this could easily live without the extra cash. Just sayin"
- "Hornby Island has been a holiday destination for over a century. Let it be what it is!"
- "Given the lack of rental housing...less stringent subdivision regulations would be helpful."
- "Many wedding guests are accommodated this way."
- "We feel very fortunate that our immediate neighbours do not rent so we have a stable, close community. The rentals down the road have not caused any problems other than the increased traffic."
- "I count on tourists for much of my income, but I don't want to attract more visitors. And I most definitely do not want a shoulder season."
- "I think the people need to be on the island to keep an eye on the house; limit # of people and make sure that those that are renting do in fact live in that house more than 2 weeks out of a year! ...Many people might argue that they need to rent to pay their mortgages, well they should have thought of that before and the real estate people should stop selling houses by saying they can rent to pay their mortgages. I don't think we need to stop VHR altogether, but there definitely needs to be some controls and accountability to the bylaws – why make them if you aren't going to enforce them?"
- "B&B where owner present, rentals where owner lives on property; we would not survive the winter season without this "jump" to our economy."
- "I have concerns about the lack of affordable housing on Hornby. Rentals and ownership...I think it's especially important to create the means for young families to afford to live here – it can't just be a retirement homes island."
- "Perhaps limit ferry access for non-residents during "bulge weekends." Lower speed limits."
- "One of the bigger problems is the over-capacity renting by absentee owners."

- “VHR has no more impact than do visiting friends and families. Greatest impact on ferry use is annual festival...our parks and beaches belong to everyone, not to the local few.”
- “Since there is no real impact on commercial accommodation (they are full or offer a different type of accommodation), it allows many small or poor people to benefit. Has the best policing because the owner is interested in keeping their property in good shape. They are individually policed.”
- “The number of accommodation units has increased. Our island is stressed due to proliferation of too many visitors.”
- “Camping not by choice for 2 or 3 months every year is exhausting.”
- “Some renters are charging up to \$3000 per week... Such high rentals attract people with values out of sync with those of Hornby Island. There should be a ceiling on rents.”
- “I support VHRs for Hornby Island for the benefit of tourism and the local economy. I do believe that as a community we should examine what percentage of homes we should allow to be rented to be environmentally sustainable and consider the rental market for year-round residents.”
- “It is obviously not a black and white issue. We must continue to encourage cooperation and be willing to look at incidents case by case as well as overall policies.”
- “VHRs are a complex issue permeating the entire lifestyle and community on Hornby Island.”
- “Ruining the island.”
- “Having been a resident for 27 years (renter only) I have seen and experienced the most negative of impacts of STVRs and would be overjoyed to see real restrictions placed on this activity as a way to help stabilize our fragile community.”
- “I feel VHRs, all types, are great and important for Hornby Island economically and culturally. The summer vibe and personality is nice. I would appreciate this element of tourism in the winter season as well.”
- “I believe Hornby Island greatly benefits from VHRs and the island economy would really suffer if this practice were discontinued.”
- “Given Hornby’s unique positioning, we should embrace pro-tourism steps for the betterment of our community.”
- “I think Hornby needs to think about the future. Do we want to be a summer getaway only and ghost town 10 months of the year? A retirement community with no one to take the reins? Or a bustling self-sustaining year-round community with economic stability without the need to sell ourselves for 2 months of the year to the highest bidder?”
- “We will be witnessing failed septic systems on an epic scale in the coming years... Polluted groundwater is too high a price to pay for a seasonal economic benefit.”
- “I don’t see any reason to make changes to the existing structure, other than different sized lots should not be treated differently.”
- “We are one or two more drought years away from water crisis. The ferry just can’t handle the traffic. I suspect the commitment to Hornby for guests will wane.”
- “Visitors to Hornby Island should be limited to how much our infrastructure can bear, starting with our water supply. Second, Airbnb needs to be prohibited.”
- “Perhaps a best practice could be to limit the VHRs to be operated by year-round residents only.”
- “Recent owner – still experiencing first rental season. So far, so good!”
- “More communication to visitors on correct behaviour on the island... It’s a bit like having a huge party in your living room, feeding and entertaining guests that you never invited.”
- “Heavy summer population increases caused by vacation rentals is destroying the island environment that many of us moved here to enjoy.”
- “There needs to be some incentive for people to rent their cabins to residents for at least the September to June timeframe; how can we design the vacation rental policies to support that practice?”
- “Things are fine. Don’t need the upheaval from just a few people who want to regulate everything.”

- “VHRs do nothing to improve life on Hornby Island”
- “In the last 15 years we have noticed a pressure or bullying to rent our home out all year-round. We believe home owners are being targeted by a very small minority of people on Hornby who would benefit from renting our homes. If we were to rent our home out year-round, we would be unable to come and go during the year. I think that instead of pressuring home owners it would be better to build affordable housing for those who need it. Also, renting our home out year-round would be much more environmentally damaging than our periodic use.”
- “It seems that community members who feel VHR detracts from our community as a whole are a vocal minority, who would prefer a hermit-like existence free from many other people, or a growing or even thriving community... We should be proud of our island and teach our visitors and guests how to respect the environment, our neighbours, and our small and tight-knit community. The VHR industry provides the majority of the island a way of life... For 3-ish months/year, sharing our island is a small price to pay.”
- “Hornby is well on its way to being an unlivable vacation destination. STVRs just feed this... It is detrimental to the community as a whole.”
- “Hornby is losing out on amazing, hard-working people that would enrich the community.”
- “I know this is a difficult and ongoing challenge for Trustees and islanders in general. I have noticed several dozen friends and islanders who have left the island over the years for numerous reasons. One recurring reason, however, is the cost of owning land and the difficulty in finding adequate rental housing.”
- “This survey has been written in a biased way to advance Islands Trust’s agenda to kill businesses and reduce the population of the island so that it becomes a wildlife sanctuary.”
- “I make every possible effort to keep my neighbours from being negatively impacted in any way and encourage their input about any renters or situations that concern or upset them. Those renters offending neighbours are NEVER allowed back to our rental. This supports the good conduct by our renters and helps keep our property safe and well respected.”
- “We have a double lot and a huge water supply that could support another dwelling...the current restriction does not allow this...we request this be reconsidered.”
- “If we were not renting our house for 5 weeks in the summer, we would be there all summer anyways, so I feel the use and population would not change at our place. We would not be renting to year-round residents as we use our place all year. I don’t feel short term rental is a bad thing. Maybe the owners that rent all year to residents except in the summer should have some rules put in place for them as not to evict them for the summer months. It’s like anywhere, if you can’t find affordable year-round accommodations, you sometimes have to move. It happens everywhere.”
- “We should accept that people want to visit our island and that they need somewhere to stay... Most of the “problems” listed in this survey are self-controlling.”
- In my opinion [VHRs] encourages people to do more upkeep of their properties and maintain higher standards. We actually have more trouble with one neighbour who doesn’t do vacation rental but whose property is falling into disrepair.”
- “Encourage provision of year-round rental accommodation – permit secondary suites with year-round ONLY housing agreements on small lots.
- “Every five years this comes up. It is annoying.”
- “We shouldn’t mess with local rentals just because a few people find the ferries inconvenient for a few weeks of the year. Allow people to decide how and when they should rent, and have rules about noise and maximum capacity.”

Vacation Home Rental Policy Review Project Charter v. 2.1

Hornby Island Local Trust Committee

Date: July 7, 2017

Purpose This project will review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island, to identify improved approaches through education, 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 consultation to identify benefits and impacts of Vacation Home Rentals (VHRs) and solicit input on range of options for approaches to managing VHRs
- Recommendations for adjustments to policies and guidelines in the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Conduct community survey to compile baseline information on benefits and drawbacks of VHR uses, on current & best practices/approaches for managing VHRs	Summer 2017
Report to LTC and community presenting results of the survey, e.g. CIM/other	Fall 2017
Staff assessment of administrative/permitting/enforcement issues, best practices and potential additional tools	Fall - Winter 2017
Community and agency consultation to solicit community input on recommended options for adjustments to policies and regulations, e.g. focused consultation with APC and other relevant community groups.	Winter 2017
LTC consideration of community input and staff recommendations	Spring 2018

Project Team

Hornby Island Planner	Project Manager
Wil Cottingham, Office Admin Asst.	Meeting arrangement

RPM Approval:

Ann Kjerulf

Date: June 30, 2017

LTC Endorsement:

Date: July 7, 2017

Budget

Budget Sources: Vacation Home Rental Policy Review 2017-18 & Special Projects 2017-2018

Fiscal	Item	Cost
17/18	Community Survey	\$500
17/18	Community consultation	\$500
	Total	\$1000



DATE OF MEETING: December 1, 2017

TO: Hornby Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Fiona XETXÁTTEN MacRaid, Marine and First Nations Issues Management

SUBJECT: Relationship building with K'omoks First Nation Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby Island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate.
2. That the Hornby Island Local Trust Committee endorse the Hornby Island Shared Narrative of Place Project Charter, v. 2 [as amended].

REPORT SUMMARY

The purpose of this Staff Report is to update the Hornby Local Trust Committee (LTC) on the status of First Nations Relationship Building activities and request direction from the LTC on next steps.

BACKGROUND

Events and Activities to Date:

- April 10, 2017** The LTC accepted an invitation and attended a meeting with K'omoks First Nation Chief and Council at the Band office in Comox. The LTC passed a resolution to convey understanding, recognition and openness to K'omoks First Nation at the meeting.
- May 5, 2017** The LTC endorsed the Project Charter for Shared Narrative of Place Project (see Attachments) with the following objectives:
- Increased understanding and respect for Indigenous connections to the islands;
 - Amending the Official Community Plan (OCP) to reflect the “deep history” of First Nations in the Hornby Local Trust Area and adding maps (with permission from K'omoks) of Indigenous special places to the OCP.
- June 7, 2017** First Nations Relationship Building – staff presentation and community discussion.
- July 14, 2017** Trustees Busheikin and Trustee Law, along with Islands Trust Chair Peter Luckham, Chief Administrative Officer Russ Hotsenpiller and planning staff, met with K'omoks Chief and Council, and visited various sites on Denman and Hornby Islands and shared a lunch together.

Previous Resolutions

The following is a list of previous resolutions passed regarding First Nations:

December 2, 2016

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

Staff notes this item is outstanding on the Hornby Island LTC Follow up Action List.

March 31, 2017

HO-2017-020

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee convey to the K'omoks First Nation the following:

The Hornby Island Local Trust Committee:

- Understands that K'omoks First Nation are original inhabitants of traditional territory that includes Hornby Island;
- Recognizes K'omoks First Nation as a government with jurisdiction over its people, lands, waters, and other matters; and
- Welcomes opportunities for partnerships with K'omoks First Nation that will protect archaeological and ecological values on Hornby Island and its shoreline and that will appropriately recognize and respect First Nation cultural values of the island.

CARRIED

HO-2017-021

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee accept the invitation from K'omoks First Nation to attend a Chief and Council meeting on April 10, 2017 and invite the Denman Island Local Trust Committee to attend and that up to \$200.00 be spent on gifts from the Hornby First Nations Relationship budget.

CARRIED

May 5, 2017

HO-2017-031

It was MOVED and SECONDED,

that the Shared Narrative of Place Charter v1 be amended by adding a first bullet under In Scope: "Hosting a community forum on approaches to relationship building".

CARRIED

HO-2017-032

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee (LTC) endorse the Shared Narrative of Place Charter v1 as amended which will strive to amend the Hornby Island Official Community Plan (OCP) in two phases. As a first step, integrating a First Nations "deep history" narrative and place names within the OCP. Then, in cooperation with local First Nations, review the OCP for opportunities for First Nations to participate in the work of the LTC more meaningfully.

CARRIED

HO-2017-033

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee encourage residents of Hornby Island to voluntarily start sharing First Nations' place names and histories of the island through various stakeholder community groups and community events and, where possible, influence the content of signage to include First Nations' place names and context of Indigenous use of places.

CARRIED

September 8, 2017

HO-2017-057

It was MOVED and SECONDED,

that the Top Priorities List be amended by changing the activity for priority no. 1 from "Participate in proposed upcoming C2C meeting" to "Move toward possible OCP amendments to address First Nations' interests that might include 'Background' of the Official Community Plan, marine issues, and place names.

CARRIED

HO-2017-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to provide the Local Trust Committee with documentation and correspondence with respect to Minister's approval of the Hornby Island Official Community Plan regarding First Nations' interests.

CARRIED

For more information on this project see the Staff Report presented at the LTC business meeting of May 5, 2017.

ANALYSIS

Issues and Opportunities

Staff Actions:

The LTC previously received a joint Denman/Hornby Shared Narrative of Place Project Charter (see Attachments). The LTC requested staff to "move toward possible OCP amendments to address First Nations' interests that might include 'Background' of the Official Community Plan, marine issues, and place names." Staff note the following efforts have been made to follow up with K'omoks First Nation since the July 14, 2017 visit with Chief and Council on Denman and Hornby Islands.

- Aug. 29: F. MacRaidl contacted Jesse Morin, K'omoks Consultant Archaeologist, and discussed a draft "deep history" text for possible inclusion in OCPs, with a caveat to first have direction from Chief and Council to work on a place name program; a request was put in to discuss this with the Band Manager and Council that day;
- Sept. 7: edited version of "deep history" shared with Trustee Law for review and comment;
- Sept. 19: check in with Jesse Morin on progress of request to K'omoks regarding place name project (no news as of yet);
- Sept. 26: check in with Jesse Morin about K'omoks direction regarding place name program (no news as of yet);
- Oct. 18: Check in with Jesse Morin about K'omoks direction regarding place name program (on agenda again for Nov. 1 Council meeting);

Community Engagement in Reconciliation and Relationship Building Activities:

The broader societal shift in attitudes towards First Nations across Canada is a paradigm shift for many Canadians. Throughout the country, with the recent adoption of the Truth and Reconciliation Calls to Action, the United Nations Declaration of the Rights of Indigenous Peoples and the recent change of BC's provincial government to a more empathetic position toward First Nations relationship building, First Nations are dealing with an increasing number of requests from government agencies and others to engage in important reconciliation work. While there is generally a positive desire to engage from First Nations, many Nations and their staff are struggling to find ways to prioritize requests over and above serving the needs of their communities.

One option to maintaining the momentum of shifting attitudes within non-Indigenous island communities without putting further pressure on First Nations to participate, is to continue an educational program on things like emerging archaeology, or on-island coffeehouse discussions about colonial history or exploring the meaning of terms like "Aboriginal title" and "Aboriginal rights" as they pertain to private property. Members of local First Nations can always be invited to lead or participate in these types of activities, but their attendance is not required.

A three-part PowerPoint presentation is available for throughout the Islands Trust Area for any individuals or groups interested in pursuing this type of activity. The presentation is accompanied by detailed speaking notes, suggested discussion questions and further reading recommendations. For many non-Indigenous Canadians, attitude shifts toward First Nations often comes from understanding historical facts, thinking about the legal implications of court discussions, and having a safe space for discussion.

Rationale for Recommendation

Staff are recommending that the LTC request staff to organize two or more community dialogue sessions focused on First Nations. This would involve confirming one or more local facilitators and extending invitations to local First Nations. This activity would support the LTC's First Nations Relationship Building initiative and build greater capacity and understanding amongst community members. Staff are also recommending that the LTC endorse an updated project charter, which reflects this direction and also provides a charter that is independent from that of the Denman LTC. Staff note that further community dialogue and advancement of the place name project should precede efforts to amend the OCP. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

- 1. Request further information**
- 2. Receive for information**

NEXT STEPS

The LTC can recommend a series of coffeehouse-type or similar events and consider if there are interested community members who may wish to facilitate community discussions or present one of the Islands Trust presentations. For each event, a letter of invitation can be extended to all local First Nations with asserted rights and title on the island to participate and/or lead the discussion. It is important to remember that if First Nations are invited, they may ask for travel reimbursement, which is an LTC budget consideration.

If K'omoks leadership agrees on November 1 to approve Jesse Morin to work with both Denman and Hornby LTCs on the identification and acknowledgement of K'omoks island place names, this project may advance in parallel to community dialogue sessions on First Nations' educational opportunities.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	October 26, 2017
Concurrence:	Ann Kjerulf, MCIP RPP Regional Planning Manager	October 30, 2017

ATTACHMENTS

1. Denman/Hornby Shared Narrative of Place Project Charter
2. Hornby Island Shared Narrative of Place Project Charter, v.2

Shared Narrative of Place - Charter v1

Hornby/Denman Island LTC

Date: 05.05.17

Purpose For Denman/Hornby Island Local Trust Committees to develop a mutually respectful long term relationship with K'omoks First Nation that honours their connections to the lands and water of both Hornby Local Trust Area and Denman Local Trust Area.

Background Recently trustees and staff representing Hornby and Denman Islands were invited to meet with K'omoks Chief, Council and key staff on April 10. Many positive ideas were discussed about how the LTCs could develop a mutually respectful relationship with K'omoks FN. The Project Charter outlines activities that will deepen the meaningfulness of that relationship. The Project outlines how Hornby/Denman LTCs can utilize the opportunities of island signage and amendments to the Official Community Plan to reflect a shared narrative of place with K'omoks First Nation.

Objectives

- Increased understanding and respect for Indigenous connections to the islands
- Amending the OCP to reflect the "deep history" of K'omoks FN in the Hornby/Denman Trust Areas and adding maps (with permission from K'omoks FN) of Indigenous special places to the OCPs

In Scope

- Hosting a community forum on approaches to relationship building
- Hosting a public event where FNs are invited to share their knowledge of Denman/Hornby special places
- OCP amendments
- Signage in the Trust Area where the Hornby/Denman trustees have some influence over content
- Encouraging community associations and events to include and honour Indigenous participation

Out of Scope

- Follow-through of activities suggested for community associations and events
- Final decision of signage content where signage is a partnership effort of multiple agencies
- Indigenous place names that are not publically available online or shared by explicit permission by local First Nations

Workplan Overview

Deliverable/Milestone	Date
Plan for Public FN Event	June 6, 2017
Draft OCP amendments (introductory section on deep history and map with Indigenous place names)	August 1, 2017
Identification of signage opportunities in Hornby/Denman Trust Area where Indigenous history can be acknowledged	August 1, 2017

Project Team

Fiona MacRaidl	Project Manager
Island Planner	Marnie Eggen

Budget

Budget Sources: Hornby/Victoria FN budget (1575); Denman FN budget (1575); Matching C2C funding (3150) (pending). Total 6300 (2017/18).

Fiscal	Item	Cost	
2017/18	Public event	4000	
2017/18	OCP amend/Legislative	1500	
2017/18	Contingency	750	
Total 2017/18		6250	
2018/19 (pending)	OCP amend/Legislative	1500	53

RPM Approval:
Ann Kjerulf
Date: April 25, 2017

LTC Endorsement:
Resolution #: HO-2017-032
Date: May 5, 2017

Hornby Island Shared Narrative of Place - Charter v2

Hornby Island LTC

Date:03.11.17

Purpose For the Hornby Island Local Trust Committee to develop a mutually respectful long-term relationship with local First Nations that honours their connections to the lands and water of the Hornby Local Trust Area.

Background In December 2016, Islands Trust Council adopted the First Nations Engagement Principles Policy. Trustees and staff were invited to meet with the K'omoks First Nation Chief, Council and key staff on April 10, 2017. Many positive ideas were discussed about how to develop a mutually respectful relationship with the K'omoks First Nation. The Project Charter outlines activities that will deepen the meaningfulness of that relationship. The Project outlines activities that the Hornby Island Local Trust Committee can pursue in order to reflect a shared narrative of place with local First Nations who have asserted rights and title in the Hornby Local Trust Area.

Objectives

- Increased understanding and respect for Indigenous connections to the islands
- Amending the Official Community Plan (OCP) to incorporate Indigenous special place names and mapping and reflect the "deep history" of First Nations in the Hornby Local Trust Area

In Scope

- Hosting a community forum on approaches to relationship building
- Hosting a public event where local First Nations are invited to share their knowledge of special places on Hornby Island
- Identifying signage opportunities in the Hornby Local Trust Area
- Encouraging community associations and events to include and honour Indigenous participation
- OCP amendments

Out of Scope

- Follow-through of activities arising from community associations and events
- Final decision of signage content where signage is a partnership effort of multiple agencies
- Payment for construction, installation or maintenance of signage
- Indigenous place names that are not publically available or shared with explicit permission by local First Nations

Workplan Overview

Deliverable/Milestone	Date
Community First Nations Event(s)	2017—2018
K'omoks First Nation Chief and Council and LTC meeting/site visit	Summer 2017
OCP amendments	2017—2019
Identification of signage opportunities in Hornby Trust Area where Indigenous history can be acknowledged	2017—2019

Project Team	
Fiona MacRaidl	Project Manager
Hornby Planner	Planning support

RPM Approval:
Ann Kjerulf
Date: Oct. 30, 2017

LTC Endorsement:
Resolution #:
Date:

Budget

Budget Sources: Hornby/Victoria FN budgets

Fiscal	Item	Cost
2017/18	Community event(s)	1000
2017/18	FN & LTC mtg (completed)	1000
Total 2017/18		2000
2018/19 (pending)	Community event(s)	1000
2018/19 (pending)	OCP amend/Legislative process	1500



BRIEFING

To: Hornby Island Local Trust Committee/
Bowen Island Municipality
From: Kate Emmings, Ecosystem Protection
Specialist

For the Meeting of: November 3, 2017
Date prepared: October 11, 2017

SUBJECT: REFERRAL OF DRAFT ISLANDS TRUST FUND REGIONAL CONSERVATION PLAN 2018-2027

PURPOSE:

The Islands Trust Fund has completed a draft of its Regional Conservation Plan 2018-2027 and is providing it for information to all local trust committees and to the Bowen Island Municipality. The draft Regional Conservation Plan is also being shared with all First Nations with interests in the Islands Trust Area as well as conservation partners.

BACKGROUND:

Why a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Trust Fund Board and, in some cases, the Islands Trust's local planning work, has been guided by Regional Conservation Plans.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the next ten years. The goals identified in the draft 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

3. Continue to secure and manage Trust Fund Board lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Local trust committees and the Bowen Island Municipality will find island profiles in Appendix II with information specific to their area of interest.

When will the Regional Conservation Plan Begin?

The draft Regional Conservation Plan will cover a ten-year period and will begin with approval of the Trust Fund Board. Review and approval of the final draft will happen in early 2018. The final Regional Conservation Plan will be provided to the Trust Council in March 2018 with a request for endorsement.

Who will the Regional Conservation Plan affect?

The Regional Conservation Plan directs the work of the Trust Fund Board and its staff. It is not binding on the work of the local trust committees, Bowen Island Municipality or Trust Council, although each of these corporate bodies may choose to incorporate elements of the plan into their work.

How will the Regional Conservation Plan be implemented?

The Trust Fund Board will implement the Regional Conservation Plan through three-year work plans, which will be approved by the Trust Fund Board and will be implemented by staff. At the end of each three-year period, staff will evaluate progress and set the next three-year work plan with the Trust Fund Board.

ATTACHMENT(S): [Draft Regional Conservation Plan 2018-2027](#)

FOLLOW-UP:

If the local trust committee or Bowen Island Municipality chooses to provide comment, they should pass a resolution citing comments and direct staff to relay the comments to Islands Trust Fund staff. Feedback will be considered by the Trust Fund Board when it finalizes its Regional Conservation Plan at its first meeting in 2018.

Prepared By: Kate Emmings, Ecosystem Protection Specialist

Reviewed By/Date: Jennifer Eliason, Islands Trust Fund Manager/October 6, 2017



REQUEST FOR DECISION

TO: Hornby Local Trust Committee
Bowen Island Municipality

For the meeting of: November 3, 2017
Date: October 12, 2017

FROM: Islands Trust Fund

SUBJECT: REFERRAL OF ISLANDS TRUST FUND FIVE YEAR PLAN

RECOMMENDATION:

That the Hornby Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Five Year Plan for information.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None

FINANCIAL: None

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: The Islands Trust Fund Plan has been referred to all local trust committees and Bowen Island Municipality, as well as First Nations with interests in the Trust Area and Trust Council. Comments received will be considered and addressed. The Trust Fund Board intend to submit a final plan to the Minister of Municipal Affairs and Housing in December 2017 with a request for approval.

BACKGROUND

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

Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1) requires the plan to be referred to every LTC and Island Municipality for comment. The Trust Fund Board will also be submitting the plan to Trust Council for comment at its December 2017 meeting.

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

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

REPORT/DOCUMENT: [Draft Islands Trust Fund Five Year Plan](#)

RELEVANT POLICY: Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1)

DESIRED OUTCOME: Local Trust Committee/Islands Municipality review of the Islands Trust Fund Five Year Plan and approval of plan from the Minister of Municipal Affairs and Housing.

RESPONSE OPTIONS

Recommended: That the Hornby Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Plan for information.

Alternatives: That the Hornby Island Local Trust Committee/Bowen Island Municipality provide the following comments on the Islands Trust Fund Five Year Plan:

PREPARED BY: _____
Jennifer Eliason
Islands Trust Fund Manager

REVIEWED BY: _____
Clare Frater
Director of Trust Area Services



File No.: HO-LCB-2017.1 – DAVIE
(Isla de Lerena Vineyard)

DATE OF MEETING: December 1, 2017
TO: Hornby Island Local Trust Committee
FROM: Teresa Rittemann, Planner 2
Northern Office
SUBJECT: LCLB Application for a New Lounge Endorsement
Applicant: Philip Davie (Isla de Lerena Vineyard)
Location: 1885 Central Road, Hornby Island; PID 003-042-219

RECOMMENDATION

1. **THAT the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it is opting out of the comment and public input process for application HO-LCB-2017.1 (Isla de Lerena Vineyard - DAVIE), a 'Lounge and Special Event Area Application' for a new lounge bistro.**

REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) have requested the owners/operators of 'Isla de Lerena Vineyard' to apply for a new lounge endorsement, the details of which can be found in attachments 1 and 2, and are summarized as follows:

- Total indoor lounge space = must be less than 125 sq. m;
- Outdoor lounge space (veranda and balcony) = approximately 43.8 sq. m (472 sq. ft);
- Max. occupant load = 81 seats (56 on main floor, 25 on second floor);
- Lounge hours of operation are to be limited to 10:00 am – 8:00 pm, as per the Hornby Island Land Use Bylaw and HO-SUP-2017.1; and
- Application notes that lighting will be kept to a minimum, live music will be only a single/dual acoustic style of music, potential nuisances from outdoor patio (e.g. noise) will be kept to a minimum and will only happen during the warmer months, and owner/operator will be in contact with neighbours to address any potential noise or other impacts.

BACKGROUND

In March 2017, the owner/operator applied for and obtained a Siting and Use Permit (HO-SUP-2017.1) for one new workshop, plus one new indoor food and beverage lounge (bistro) with stipulations that noted that **lounge hours are not to exceed 10am to 8pm and the maximum indoor lounge floor area not exceed 125 square metres** (see attachment 2 for a copy of the final Permit that was issued).

The owner/operator is now applying for a "Lounge Endorsement" from the Liquor Control and Licensing Branch (LCLB) for the new lounge bistro. From the LCLB website:

“A lounge is an indoor or patio area where customers can purchase and consume products made on-site, and a limited amount of products purchased from the Liquor Distribution Branch. This endorsement is subject to local government/First Nation consultation and requires an additional 7-12 months to process. You may operate your manufacturing site (once the licence is issued) while this endorsement application is ongoing.”

This proposed lounge is located at a winery that is within the Agricultural Land Reserve (ALR), and therefore, in addition to the Hornby Island Land Use Bylaw (LUB) regulations, the *Agricultural Land Commission Act (ALC Act)* and regulations for farm uses apply. ALC Policy L-03 considers the operation of a food and beverage service lounge (if the area of the lounge does not exceed 125 sq. m indoors and 125 sq. m outdoors) to be an ancillary use to the winery, and therefore a permitted farm use.

CONSULTATION

Staff does not find a substantive reason for public input on this application, as potential for noise and other adverse impacts on neighbouring properties or the community are not anticipated. Despite this, the LTC may wish to undertake some consultation with nearby residents and/or business owners and may exercise discretion in determining the desired method of gathering the views of residents (see Option 3 below).

ISSUES AND OPPORTUNITIES

Hornby LUB Regulations vs. ALC Act, Regulations, and Policies

As noted in the Site Context (attachment 3), regulation 8.5(7)(b) of the LUB says that **“the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.”** However, ALC regulations were recently amended and ALC Policy L-03 (last updated October 2016) is clear that lounges that are ancillary to a winery can have a **maximum floor area of 125 sq. m indoors and 125 sq. m outdoors**. Staff note that the LUB should be updated to reflect this change. **Thus, the LTC may wish to consider making this change when considering future land use bylaw housekeeping amendments.**

Notably, Local Governments do have the authority to regulate in the absence of ALC regulations or policies limiting the operating hours of ancillary lounges in the ALR; thus, regulation 8.5(7)(c) of the Hornby LUB does apply, and was specified on the Siting and Use Permit that was issued:

“An indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.”

Other potential impacts

The owner/operator disclosed in their application (attachment 1), that live music will be only a single or dual acoustic style of music, and that patio activity is seasonal as it is limited to warmer months. Furthermore, the neighbourhood is rural and surrounded by farm uses (and the nearest building is more than 100 metres (328 feet) away), and traffic and parking are adequate for the proposed patron capacity. Thus, Staff feel that the potential for noise and other adverse impacts on the community and neighbouring residents is minimal.

OPTIONS

As of January 23, 2017, the LCLB implemented a number of policy changes to their application process, which affect Local Governments (in this case the LTC) (see attachment 4). Under the new process, the applicant first submits the application to the Local Government for consideration, and then the LTC has the following options:

1. Choose to delegate so staff can provide comment on future applications;
2. Choose to opt out of comment and public input process on this individual application; or
3. Provide comments on this individual application based on the LCLB criteria for applications.

Option 1: Choose to delegate so staff can provide comment on future applications

The LTC can delegate authority to provide comments on some or all types of applications that would otherwise require a resolution (e.g. delegations can be very specific, for example, all applications to extend hours of operation, or all applications where public input resulted in no more than five letters of opposition, etc.). If delegated, a copy of the delegation should be sent to the LCLB at lclb.lclb@gov.bc.ca describing the parameters of the delegation.

As the Hornby LTC has not yet delegated certain types of applications to staff to provide comments to the LCLB, the LTC must consider this application, though **Staff note that the LTC may also wish to take this opportunity to consider which (if any) types of LCLB applications to delegate directly to staff for comment in the future.**

Option 2: Choose to opt out of comment and public input process on this individual application

Previously, unless the LTC opted out of providing comment on an application, they would normally have provided a resolution commenting on the regulatory criteria, and may or may not have conducted a public input process. **Now, under the new application process, the LTC will need to do both – gather public input *and* provide a resolution/comment. If the LTC is not prepared to do both, they must choose to opt out.**

If the LTC wants to provide comments on an application, a public input process is required unless there are no residents in the area of the proposed establishment. The LCLB will only be able to consider LTC comments or a resolution if the LTC (or Staff) has also conducted public input. This is to ensure that the comments are informed by the public input received.

Similarly, where the Local Government has conducted input, it's important to note that it must also provide comments. Hence, LTCs may wish to consider delegating staff to provide comments in situations or on certain types of applications where public impacts are not anticipated or may be minimal (see option 1 above).

Given the discussion in this report, Staff are recommending this option (see page 1 of this report).

Option 3: Provide comments on this individual application based on the LCLB criteria for applications

Under the new policy, *for all types of LCLB applications*, the LTC (or Staff, if delegated) must include comments on:

- The impact of noise on the community in the immediate vicinity of the establishment;
- The impact on the community if the application is approved; and
- For a food primary regarding hours after midnight or patron-participation entertainment, whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

In providing comment, the LTC (or Staff, if delegated) must take into account the location of the establishment, and the person capacity and hours of liquor service of the establishment.

If the proposed establishment is anticipated to adversely affect the community, staff should be directed to undertake a consultation process to gather public input in accordance with the above and to report back to the LTC once this consultation process has concluded.

If selecting this option, the LTC must clearly indicate the desired method and timeline for gathering public input on this application. Sample resolutions include:

“THAT the Hornby Island Local Trust Committee request staff to notify, by mail, residents and property owners within [insert distance] metres of the subject property located at 1885 Central Road, that the Isla de Lerena Vineyard application to the Liquor Control and Licensing Branch has been referred to the Local Trust Committee for consideration, and of their opportunity to provide comments to the Local Trust Committee on this referral by [insert date].”

and

“THAT the Hornby Island Local Trust Committee request staff to report back to the Local Trust Committee once the public input process has concluded.”

After considering the public input received, the LTC would then pass a resolution requesting Staff to inform the LCLB of their comments for this individual application.

RATIONALE FOR RECOMMENDATION

Staff are recommending that the LTC support the resolution found on page one of this report, for the following reasons:

- This establishment has already been issued a Siting and Use Permit (HO-SUP-2017.1) which stipulates the conditions of the Permit, including that the lounge must comply with the Hornby Island Land Use Bylaw No. 150, including regulation 8.5(7)(c): *“an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 am to 8:00 pm.”*
- Based on the location (surrounded by farmland, no other building within less than 100 metres etc.), proposed patron capacity, and permitted hours of operation of the proposed establishment, Staff anticipate that the potential for noise and other adverse impacts on the community and neighbouring residents is minimal (and therefore the public input process is not recommended).

NEXT STEPS

Staff will forward a copy of this Staff Report, as well as the LTC resolution, to the LCLB.

Submitted By:	Teresa Rittemann, MCIP, RPP Planner 2	October 25, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 25, 2017

ATTACHMENTS:

1. LCLB Application
2. Copy of Siting and Use Permit issued – HO-SUP-2017.1 (DAVIE)
3. Site Context
4. LCLB Changes Affecting Local Governments and First Nations Effective January 23, 2017



Liquor Control and Licensing Branch
4th Floor, 3350 Douglas St, Victoria, BC V8W 9J8
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8
Phone: 1 866 209-2111 Fax: 250-952-7066

LOUNGE AND SPECIAL EVENT AREA APPLICATION

Liquor Control and Licensing Form LCLB049A

Instructions:

Using the attached guide, complete this application form and assemble all required documents. Once complete, follow instructions for submitting your application package to local government/first nation and the Liquor Control and Licensing Branch.

Part 1: Type of Application

☒ Lounge Endorsement

☐ Special Event Area Endorsement

office use only

Job No: 30180

4106591-30

Note: Do not apply for special event area if it will occupy same footprint as the lounge.

Are you submitting an application for a manufacturing licence with this application? ☒ No ☐ Yes

Are you submitting an application to transfer the location of the manufacturing facility with this application? ☒ No ☐ Yes

Part 2: Applicant

Manufacturer Licence Number (if licensed): 301809

Applicant/Licensee Name: Philip Davie

Mailing Address:

1885 Central Road

Street

Hornby Island

City

BC

Province

V0R 1Z0

Postal Code

Phone number: 6046198370

E-mail address: pgdave@telus.net

Note: An authorized signing authority of a licensee can appoint a representative to interact with the branch on their behalf by completing form LCLB101 Add, Change or Remove Licensee Representative

Part 3: Application Contact Person

Name: Phil Davie

Phone number: 6046198370

Position: Owner

E-mail address: pgdave@telus.net

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

Part 4: Establishment

Establishment Name: ~~Carbrea Vineyard and Winery~~ Isla de Lerena Vineyard

Manufacturer Address:

1885 Central Road

Street

Hornby Island

City

BC

Province

V0R1Z0

Postal Code

4a. Parcel Identifier (PID): 003-042-219

4b. Local Government/First Nation: Hornby Island Trust

Local Police: RCMP

4c. Is this location zoned for liquor service? ☒ No ☐ Yes

4d. Is this manufacturing site part of the Agricultural Land Reserve (ALR)? ☐ No ☒ Yes

4e. If the proposed site is on ALR land, have you reviewed the ALR policies regarding a lounge and/or special event area? ☐ No ☒ Yes

RECEIVED

OCT 17 2017

ISLAND TRUST
NORTHERN OFFICE

LIQUOR CONTROL & LICENSING
RECEIVED

MAY 24 2017

VICTORIA BC

Lounge and Special Event Area Application

Part 5: Lounge Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site map.

5a. Proposed Service Areas:

Complete the following based on your establishment floor plan and occupant load (see page 5 of guide):

Area No.	Floor Level (e.g. Basement, Main, 2nd)	Indoor	Patio	Occupant Load
1.	MAIN FLOOR	30	65	56 INTERIOR
2.	SECOND FLOOR	15		25
3.	PATIO			
4.				
5.				
Total Occupant Load (of all licensed areas):				

5b. Hours of Liquor Service:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	12	12	12	12	12	12	12
Close	10	10	10	10	10	11	11

Part 6: Special Event Area Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site plan.

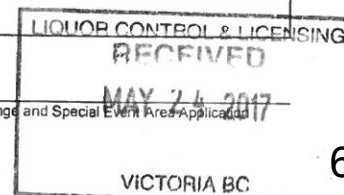
6a. Proposed Service Areas:

Complete the following chart based on your establishment floor plan. Occupant load is required for indoor and patio areas (see page 5 of guide). If you want an outdoor area that is not a patio see 6b:

Area No.	Floor Level (e.g. Main, Mezzanine)	Indoor	Patio	Occupant Load
1.				
2.				
3.				
4.				
Total Occupant Load (of all licensed areas):				

6b. Complete the following chart if you will have an outdoor event area (not a patio). Outdoor areas require a person capacity not occupant load (see page 5 of guide):

Area No.	Outdoor Area Identify by location or name	Capacity
1.		
2.		
3.		
4.		
Total Person Capacity for all Outdoor Areas:		



6c. Hours of Liquor Service

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open							
Closed							

Part 7: Declaration of Signing Authority

My signature, as applicant, indicates, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. Or I have an option purchase or offer to lease the establishment, or portion of the establishment to be licensed, and prior to a licence being issued I will have title or obtain a completed lease which will not expire for a minimum of 12 months after the date the endorsement is issued.
- I understand the general manager has the right to request documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request.
- I understand loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand I must advise the Branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

This form should be signed by an appropriate individual who has the authority to bind the applicant. The Branch relies on the applicant to ensure that the individual who signs this form is authorized to do so. See page 4 of the Guide for a list of accepted signing authorities.

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

Signature: _____



Authorized signatory of the applicant

Name: Philip Davie

(last / first / middle)

Position: Owner

(if not an individual)

Date: 19/03/2017

(Day/Month/Year)

If an authorized signatory has completed the *Add, Change or Remove Licensee Representative* form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

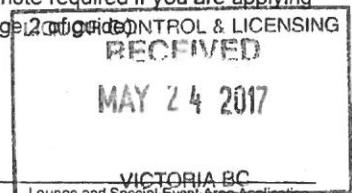
Section 57(1)(c) of the *Liquor Control and Licensing Act* states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12, (ii) when making a report or when required and as specified by the general manager under section 59."

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

Part 8: Checklist

Your application package must include the following documents. An incomplete application will delay the licensing process.

- ☒ Completed Lounge & Special Event Area Application (this form).
- ☒ Letter of Intent for each type of endorsement (page 5 of the guide).
- ☒ Lounge Floor Plan (2 copies) preferably with occupant load (page 5 & 6 of the guide).
- ☒ Special Event Area Floor Plan (2 copies) preferably with occupant load (page 5 & 6 of the guide).
- ☒ Site plan for any outdoor endorsement area (see page 6 of guide).
- ☒ Patio(s) (see Appendix I on page 8 of the guide).
- ☐ Any additional information (labelled per question number on application form) if there is not sufficient space to answer a question on the application form.
- ☐ Take your application package to Local Government/First Nation (Part 9 below). Note: This step is not required if you are applying for this endorsement(s) on a second manufacturing licence located at the same site (see # 3 on page 2 of guide).
- ☐ After Part 9 is completed, submit your application package to the Branch (Parts 10 and 11 below).



Part 9: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office prior to submitting this application to the branch.

Local government/First Nation (name):

Name of official:

Title/Position:

Email:

Phone:

Signature of Official:

Date Received:

Check here if the LG/FN will not be providing comment: ☐ Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is the manufacturing site located on Treaty First Nation land? ☒ No ☐ Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a lounge and/or special event area endorsement is being made within your community. The Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed application form, patio appendix (if applicable), letter of intent, floor plan and site map (for outdoor areas) to LG/FN.
- If there are any major issues (e.g. zoning), LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 9 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.
- Branch staff will contact LG/FN to confirm receipt of the application and identify the Branch staff responsible for processing the application.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.

Provide a resolution/comment with comments on:

- The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
 - If more than 90 days is required, provide a written request for extension to the Branch.
 - If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111 to speak to the Senior Licensing Analyst.



Part 10: Submit Application Package

Once signed by local government/First Nation, submit your complete application package to:

Liquor Control and Licensing Branch
Courier: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1
Mail: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
E-mail: liquor.licensing@gov.bc.ca

If you have any questions, contact us toll-free at 866-209-2111 and ask to speak to the Senior Licensing Analyst for your geographic area. Or email us at liquor.licensing@gov.bc.ca or visit our website for more information: www.gov.bc.ca/liquorregulationandlicensing

Part 11: Application Fees (non-refundable)

Lounge Application Fee \$330.00 (non-refundable)

Special Event Area Application Fee \$330.00 (no lounge) or \$110.00 (if you already have a lounge or are applying in conjunction with a lounge)

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.



The information requested on this form is collected by the Liquor Control and Licensing Branch under Section 26 (a) and (c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the *Liquor Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

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

Name of cardholder (as it appears on card): Philip Davie

Appendix I – Patio(s)

Complete the following if your proposed endorsement(s) includes a patio(s).

1. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be defined and bounded by physical separation in order to control patrons and liquor within the service area.

The patio will be enclosed with a retaining wall with a height of between
1 foot and 2.5 ft.

2. Describe the location based on the endorsement type:
 - a. Lounge – may be a standalone patio on the manufacturing site. If there is an interior lounge area, the patio must be adjacent to the interior lounge.
 - b. Special Event Area – may be a patio attached to the manufacturing building or on-site store.

The patio area comes off of the interior lounge area

3. Describe how staff will manage and control the patio from the interior service area or how you will manage and control a stand-alone patio.

When open the patio area will have its own staff separate from the interior staff

4. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior:

Liquor service to the bar will come from a interior bar

5. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

No all areas will be licensed

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

The Bistro will have a full menu for both Lunch and dinner.

Live music will be only a single or dual acoustic style of music.

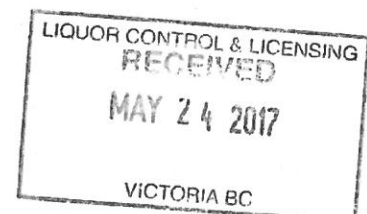
The neighborhood is rural with farm land surrounding it.

There is potential for some traffic noise or from the outdoor patio, this will be kept to a minimum and will only happen during the warmer months

I will be in constant contact with all the neighbors and will address any noise or intrusion also we will keep the lighting to minimum.

Hornby Island does not have anywhere to go on a daily basis for food or drink throughout the full year. It is a seasonal island and all of these businesses shut down through the off season for at least some of the time. The business community which would like to attract more people to live on the island are 100% supportive of our project as they believe it is a first step forward to keeping the island alive.

MAXIMUM SEATING INSIDE AND OUTSIDE
SET BY ALR AND LOCAL GOVERNMENT AT
65 INSIDE AND 65 ON PATIO.





Islands Trust

HORNBY ISLAND LOCAL TRUST COMMITTEE

SITING AND USE PERMIT

FILE NO. HO-SUP-2017.1

TO: Philip Davie

Buildings and structures must be constructed/sited and used in accordance with the information provided by your application only. No variations are authorized by this permit. Any change in use or construction/siting requires a new application. Infractions of the bylaws can result in prosecution.

The issuance of this Siting and Use Permit certifies only that the construction/siting and use proposed in the permit application would comply with the requirements of the Land Use Bylaw.

Your application for a Siting and Use Permit for the following siting and use of:

One Indoor Food and beverage lounge:

- hours not to exceed 10am to 8pm
- maximum indoor lounge floor area not to exceed 125 square metres
- one workshop

on (legal description):

PID: 003-042-219

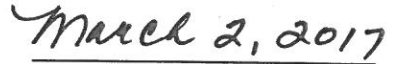
Lot D, Section 15, Hornby Island, Nanaimo District, Plan 24652

as described in the application and shown on the Plans attached as Schedules "A", "B" and "C" to this permit is:

- Site Plan
- First Floor Food & Beverage Lounge
- Second Floor Food & Beverage Lounge

APPROVED


Signature of Trust Official


Date

Subject to:

- Hornby Island Land Use Bylaw No. 150 Regulations

Notes:

1. If construction of the building or structure for which this permit is issued is not irrevocably commenced* within 2 years of the date of issuance of this permit, the permit lapses on the second anniversary of the date of issuance of the permit.

*For the purposes of this provision "irrevocably commenced" means:

- in the case of a building or structure whose height is regulated by the Hornby Island Land Use Bylaw, completion of the foundation and the framing and structural roof elements such that the height of the building or structure, as regulated by the Bylaw, may be ascertained;
 - in the case of a building or structure with a permanent foundation and no roof, completion of construction of the foundation such that it is capable of supporting the building or structure without further modification; and
 - in the case of a building or structure with neither roof nor permanent foundation, assembly at the construction site of all building materials required to construct it and the obtaining of all authorizations to construct required by any authority having jurisdiction, including any right to occupy Crown land, as evidenced by the provision of a true copy of such authorization to the Islands Trust.
2. Note that provincial legislation requires that all new construction of buildings and structures or alterations to existing buildings and structures must comply with the latest edition of the BC Building Code. Responsibility for compliance with the BC Building Code rests entirely with the property owner and applies even in areas where there is no building permit or inspection requirement.
 3. The applicant is solely responsible for determining the safety of construction/siting and the existence of any potential hazard to development, including the stability of the land on which the building or structure is to be located. The applicant should also ensure that the planned construction/siting and use(s) comply with all other relevant provincial regulations including, but not limited to:
 - Road access requirements of the Ministry of Transportation and Infrastructure;
 - Sewage disposal and health requirements of Island Health; and
 - The Homeowner Protection Office.

Note: Effective May 31, 2005, Island Health staff no longer routinely review the sewerage system plans and specifications, conduct initial site investigations, or conduct final inspections of installed sewerage systems. Only registered practitioners or professionals may design, file plans and install sewerage systems. Property owners will no longer be able to file plans, design or install their own systems.

Other provincial regulations may apply and it is the responsibility of the applicant to obtain all necessary approvals.

HOUSE 2245 Sq Ft
 WINERY 877 Sq Ft
 COTTAGE 575 Sq Ft
 (FARM STAFF)

Schedule "A"

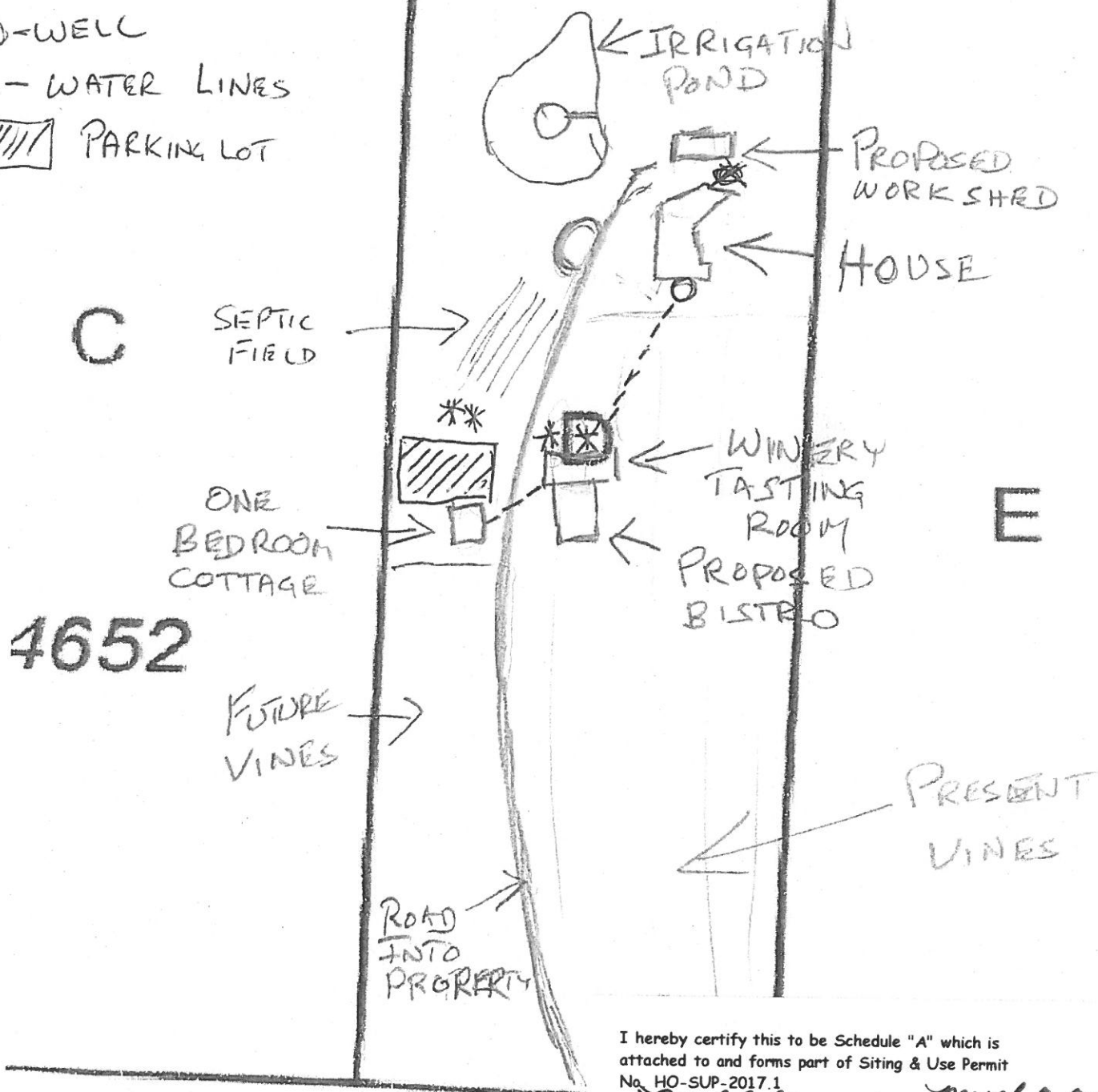
*-SEPTIC TANKS

O-WELL

-- WATER LINES

/// PARKING LOT

TREE AREA



I hereby certify this to be Schedule "A" which is
 attached to and forms part of Siting & Use Permit
 No. HO-SUP-2017.1

Am Cullen
 Signature of Islands Trust Official

March 2, 2017
 Date of Issuance

"Approved Without Change"

Customer Signature

Date:



pan-abode

international ltd.
6311 Graybar Rd., Richmond, B.C.,
CANADA V6X 1H3
tel (604)270-7891 fax (604)270-4419

Name: _____

PHIL. DAVIES

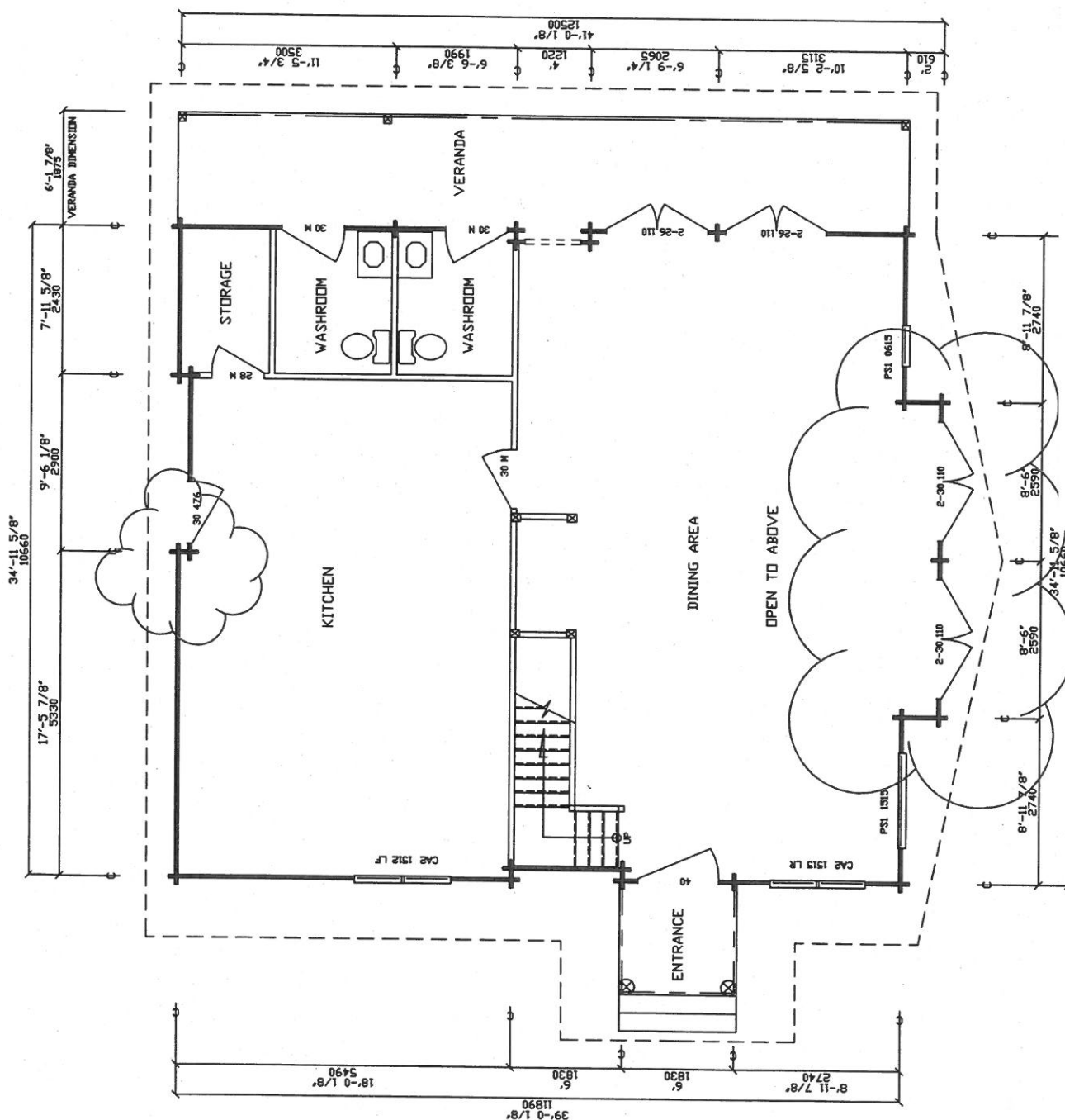
PLAN NO.: 9801

FLR AREA:

SCALE: 1:100

JAN-2017

DRAWN BY: NT.



MAIN FLOOR PLAN

FLOOR 1 AREA 1409 SQ FT
130.92 SQ M

I hereby certify this to be Schedule "B" which is attached to and forms part of Siting & Use Permit No. HO-SUP-2017.1

No. HO-SUP-2017.1

March 2, 2017

Signature of Islands Trust Official

Date of Issuance

Am Callan

Schedule "C"

"Approved Without Change"

Customer Signature

Date:

pan-abode

International Ltd.
6311 Graybar Rd., Richmond, B.C.,
CANADA V6X 1H3
tel (804)270-7891 fax (804)270-4419

Name: PHIL DAVIE

PLAN NO.: 9601

FLR AREA:

SCALE: 1:100

JAN-2017

DRAWN BY: NL

I hereby certify this to be Schedule "C" which is
attached to and forms part of Siting & Use Permit
No. HO-SUP-2017.1

Muel 2, 2017

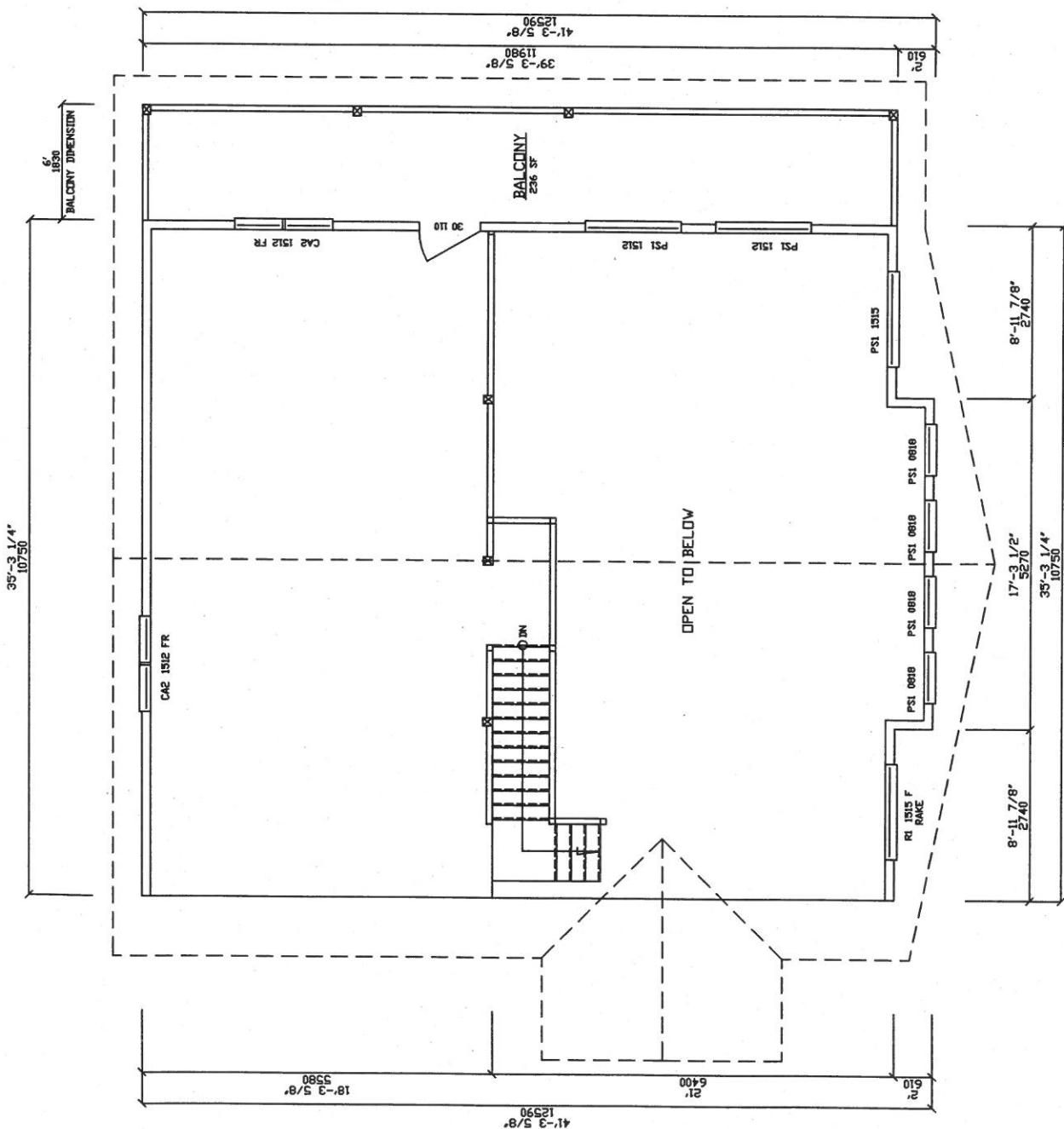
Date of Issuance

Signature of Islands Trust Official

Signature of Islands Trust Official

SECOND FLOOR PLAN

FLOOR 2 AREA 669 SQ FT
62.17 SQ M



ATTACHMENT 3 – SITE CONTEXT

LOCATION

Legal Description	Lot D, Section 15, Hornby Island, Nanaimo District, Plan 24652
PID	003-042-219
Civic Address	1885 Central Road, Hornby Island

LAND USE

Current Land Use	Agricultural (currently operating winery/vineyard)
Surrounding Land Use	All surrounding properties are zoned for agricultural use

HISTORICAL ACTIVITY

File No.	Purpose
HO-ALR-1998.1 & HO-SUP-1998.20	Both files closed because applicant withdrew their applications
HO-SUP-2005.12	To create: - Winery manufacturing facility and tasting room 74.32 square metres (existing) Height 3.65 m, addition to existing shop 114 square metres (Height 4.26m - 14 ')New Combined 188.77 square metres) - Residential Dwelling Unit 197.41 square metres (2125 square feet) Height - 6.7 m Existing - Secondary Dwelling Unit 66.89 square metres (Height - 3.65 m) Existing
HO-SUP-2017.1	To build a new workshop; and an indoor food and beverage lounge (bistro): - hours not to exceed 10am to 8pm - maximum indoor lounge floor area not to exceed 125 square metres

POLICY/REGULATORY

Hornby Island Official Community Plan No. 149	OCP Designation: AG - Agriculture Not within a DPA
Hornby Island Land Use Bylaw No. 150	Zoning is A1 – Agriculture 1 8.5 Agriculture 1 (A1) Zone 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) agriculture; (c) silviculture; (d) secondary suite in a dwelling on lots 2.0 hectares or larger; (e) accessory uses, including but not limited to home occupations; and (f) vacation home rental use.

R:\LTC\Northern Hornby\Applications & Referrals\Liquor Licence Referrals\2017\HO-LCB-2017.1 Isla de Lerena Vineyard (Davie)\Staff reports\Attachment 3 - Site Context.docx

	Permitted Buildings, Structures and Density (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited: (a) a maximum of one dwelling unit per lot having an area less than 4 hectares; (b) a maximum of two dwelling units per lot having an area of 4 hectares or greater; - and (c) accessory buildings and structures. INFORMATION NOTE: <i>It is necessary to comply with Agriculture Land Commission Regulations regarding second dwellings, for those properties within the Agricultural Land Reserve. ALC approvals may be required for second dwellings and secondary suites in addition to compliance with Section 3.8 of this bylaw.</i> (3) Lot coverage must not exceed 10 % of any lot having an area of 1 hectare or more nor 15% of any lot having an area less than 1 hectare. Siting and Size (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from an interior side lot line; and (d) 8.0 metres from an exterior side lot line. (5) The total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m². Agricultural Land Reserve Farm Use Regulations (7) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, <i>and</i> (a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres. (b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres. (c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m. (8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only: (a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or (b) if also permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
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Other Regulations	This lounge will be happening as an ancillary use to a winery that is within the ALR, and therefore, in addition to the Hornby Island LUB regulations, the Agricultural Land Commission Act and regulations for farm uses also apply. ALC Policy L-03 “Activities designated as farm use: Wineries and Cideries in the Agricultural Land Reserve” Section 2(2.4) In subsections (2.1) to (2.3): "ancillary use" means the following activities carried out at a brewery, cidery, distillery, meadery or winery: (a) processing, storing and retail sales of beer, cider, spirits, mead or wine produced by the brewery, cidery, distillery, meadery or winery; (b) the operation of a food and beverage service lounge, if the area of the lounge does not exceed 125 m² indoors and 125m² outdoors
Covenants	None.
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Fund	Does not affect a Trust Fund Board property or covenant
Islands Trust Fund Regional Conservation Plan	Map 7 of the Islands Trust Fund RCP indicates medium importance of habitat composition for this property.
Species at Risk	Mapped ecological community: Douglas-fir / dull Oregon-grape
Sensitive Ecosystems	Mapped areas of wetland/swamp, and seasonally flooded areas
Hazard Areas	None mapped.
Archaeological Sites	None mapped within the property or within 100 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable



LCLB Changes Affecting Local Governments and First Nations

The following changes come into effect on January 23, 2017:

1. Application process for liquor primaries, manufacturer lounges and special event areas

Current process

The Liquor Control and Licensing Branch (LCLB) reviews the application before requesting input from the local government/First Nation (LG/FN), so the application is processed by the two bodies consecutively.

New process

The applicant submits the application to the LG/FN first. If the LG/FN is ready to consider the application (the applicant has met the LG/FN requirements e.g. zoning, development permit, business licensing), they sign for the receipt of the application. The applicant immediately submits the signed application to the LCLB. The LG/FN and the LCLB process the application concurrently, and the LG/FN gathers public input and submits a resolution within 90 days. Applicants are encouraged to submit floor plans with occupant load as early as possible in the process. The LG/FN should contact the LCLB if they have any concerns about the application.

Local governments and First Nations can prepare for these changes by considering what requirements need to be in place before they are ready to consider an application, and deciding who will sign the application and who will serve as a contact person for the LCLB.

For more information about the process, please see [Appendix A](#).

2. Delegate so staff can provide comment on applications

Current policy

For application types that require a resolution, the LG cannot authorize staff to provide comment on the LG's behalf.

New policy

A local government (LG) can delegate authority to provide comments on some or all types of liquor licensing applications that would otherwise require a resolution. The LG must comply with section 40 of the *Liquor Control and Licensing Act*. See [Appendix B](#) for more information.

An LG must also ensure that there is a process in place for the reconsideration of delegated comments by the local government council or board, as the case may be, including how to apply.

3. Criteria for comment on applications

Current policy

The LG/FN must comment on the following criteria when providing a resolution to the LCLB on an application for a liquor primary, a manufacturer lounge, or a manufacturer special event area:

- the location of the establishment;
- the proximity of the establishment to other social or recreational facilities and public buildings;
- the person capacity and hours of liquor service of the establishment;
- the number and market focus or clientele of licence establishments within a reasonable distance of the proposed location;
- the impact of noise on the community in the immediate vicinity of the establishment; and
- the impact on the community if the application is approved.

New policy

For all application types, the LG or their delegate must include comments on:

- the impact of noise on the community in the immediate vicinity of the establishment;
- the impact on the community if the application is approved; and
- (for a food primary regarding hours after midnight or patron-participation entertainment) whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

In providing comment, the LG/FN or their delegate must take into account the following attributes of the establishment (or proposed establishment):

- the location of the establishment; and
- the person capacity and hours of liquor service of the establishment.

4. Opting out of part of the LG/FN comment and public input process

Current policy

Unless a LG/FN opt outs of providing comment on an application, they normally conduct a public input process and provide a resolution commenting on the regulatory criteria. In some cases, the LG/FN provides a resolution but does not conduct public input, or vice versa. Where the LG/FN has not gathered input, the LCLB conducts a public input process prior to considering the resolution provided by the LG/FN (unless the proposed establishment is in a remote area with no nearby residents). In situations where the LG/FN provides input, but does not provide a resolution, the LCLB has often been able to consider the input received and move the application forward.

New policy

A LG/FN will need to do both – gather public input and provide a resolution/comment. If a LG/FN is not prepared to do both processes, the LG/FN will need to opt out.

If a LG/FN wants to provide comments on an application, a public input process is required unless there are no residents in the area of the proposed establishment. . The LCLB will only be able to consider LG/FN comment/resolution if the LG/FN has also conducted public input. This is to ensure that the comments are informed by the public input received.

On the flip side, where a LG/FN has conducted input, it's important to note that they must also provide comments. LG/FNs may want to consider delegating staff to provide comments (see #2 above) in situations where public input results in minimal opposition.

5. Applications where the LG/FN is the applicant

Current policy

If a LG/FN is applying for a new licence or a licence amendment that requires input, the LG/FN may gather the views of residents and provide a resolution to the LCLB.

New policy

If a LG/FN is the applicant, the LCLB will gather community input and consider the regulatory criteria; the LG/FN may not conduct public input or provide comments.

6. Manufacturer Picnic Areas – zoning and capacity

Current policy and procedure

Picnic area endorsement applications do not involve LG/FN comments. There is no person capacity for picnic areas. Only large or rural/agricultural properties are eligible.

New policy and procedure

Any manufacturer, rural or urban, can apply for a picnic area (an outdoor area where patrons can consume liquor but where there is no liquor service).

Picnic areas are now subject to capacity limitations. For new picnic areas, applicants will propose a person capacity. The LG/FN will be asked to sign the application confirming that zoning allows for the operation of a picnic area with the proposed capacity and size, and in the proposed location on the manufacturing site. For existing picnic areas, a person capacity of 30 will be set. If the manufacturer wants a larger capacity, they will need to submit an application to the LCLB, including LG/FN confirmation that zoning allows for the requested capacity.

Because picnic areas have the potential to cause noise disturbance to nearby residents, they must be vacated half an hour after sunset, and amplified sound is no longer permitted. Manufacturers that want amplified sound outside may apply for a lounge patio or an outdoor special event area. LCLB staff will carefully assess applications to ensure the proposed size and location of the picnic area minimizes the potential for disturbance to nearby residents.

It's important to note that a picnic area is different than a lounge patio, which is a service area that can operate after sunset, and is subject to LG/FN and public input.

The purpose of this change is to ensure that a LG/FN is aware of proposed picnic areas and expansions to existing picnic areas, and that zoning permits outdoor liquor consumption at the proposed capacity. Local governments can prepare for this change by considering how zoning applies to picnic areas (as well as how it applies to manufacturing facilities in general, including an on-site store or lounge).

7. Other types of businesses can apply for a liquor licence

Current policy

Only businesses primarily engaged in liquor service, entertainment or hospitality may apply for a liquor primary licence. To be eligible for a food primary licence, the business must have a focus on food at all times.

New policy

Any business can apply for a liquor primary licence, except for businesses that operate out of a motor vehicle or are primarily directed at minors. This means, for example, that retail businesses, rental halls, spas, beauty salons, funeral homes and art galleries are now eligible. The application is subject to local government and public input, just like any other liquor primary application, and zoning would have to allow for a liquor primary at the site. The licensed area may completely or partially overlap the main business, or it may be adjacent to it. In

addition, liquor service hours may completely or partially overlap the main business' operating hours. The LCLB will determine if and when minors will be permitted. The licensee will have to apply to the LCLB if they want to either change or close the main business, as that might affect whether minors are permitted or other licence terms and conditions.

A food primary can now operate without a focus on food in the service area if liquor is not being served. This means a restaurant can now be used for activities that are not food-focused, as long as there is no liquor service at that time.

8. Permit establishments to have dual food primary and liquor primary licensing

Current Policy

Food primary and liquor primary establishments may not occupy the same location with each licence operating under different hours. For example, an establishment may not operate as a food primary until 9 p.m., and then as a liquor primary from 9 p.m. until closing.

New Policy

Food primary establishments can now apply for a liquor primary licence in the same space and operate as a bar or nightclub after a certain hour, such as 9 p.m. The standard process for applying for a liquor primary licence applies, including input from LG/FN and the public. Liquor primary establishments can also apply for a food primary licence at the same location and operate as a restaurant during specified hours (for example, from opening until 7 p.m.), during which time minors must be permitted as patrons (with or without a parent or guardian). Both licences must be issued to the same licensee.

9. Provide flexibility to extend the hours of liquor service in exceptional circumstances

Current Policy

Licensed establishments cannot be licensed outside the hours of 9 a.m. to 4 a.m. Liquor stores are permitted to operate between 9 a.m. and 11 p.m. Extended liquor hours are not permitted. For example, an establishment can open outside the permitted liquor hours to host a special event, such as an Olympic hockey game starting at 7 a.m., but liquor must not be served until 9 a.m.

New Policy

In exceptional circumstances, licensees can apply in writing to request the LCLB's approval to serve liquor at their establishment outside the permitted hours. The licensee should submit a detailed rationale for the exceptional circumstance. The LCLB has the authority to temporarily or permanently extend liquor hours in exceptional circumstances, as long as it is not contrary to the public interest or safety. Zoning would have to allow for the operation of the establishment during the proposed hours. The LCLB would request LG/FN comment for certain application types, such as liquor primary establishments.

For more information, please contact:

Theresa Killoran

Manager of Licensing Analysis

Liquor Control and Licensing Branch

Theresa.Killoran@gov.bc.ca

250-952-5764

Appendix A – Parallel process for LPs, manufacturer lounges and special event areas

Effective date: January 23, 2017

This document explains the process to address Liquor Policy Review (LPR) recommendation #39: *Government should consult with UBCM, local governments and First Nations about streamlining the liquor application process. An applicant for a liquor primary licence should be able to seek input from the local government or First Nation before or at the same time it applies to LCLB.*

This process applies to applications for:

- New liquor primaries (LPs), including LP Clubs
- LP relocations requiring local government and public input (input is not required if a LP is relocating very close by with no increase in capacity or hours)
- Manufacturer lounge endorsements
- Manufacturer special event area endorsements

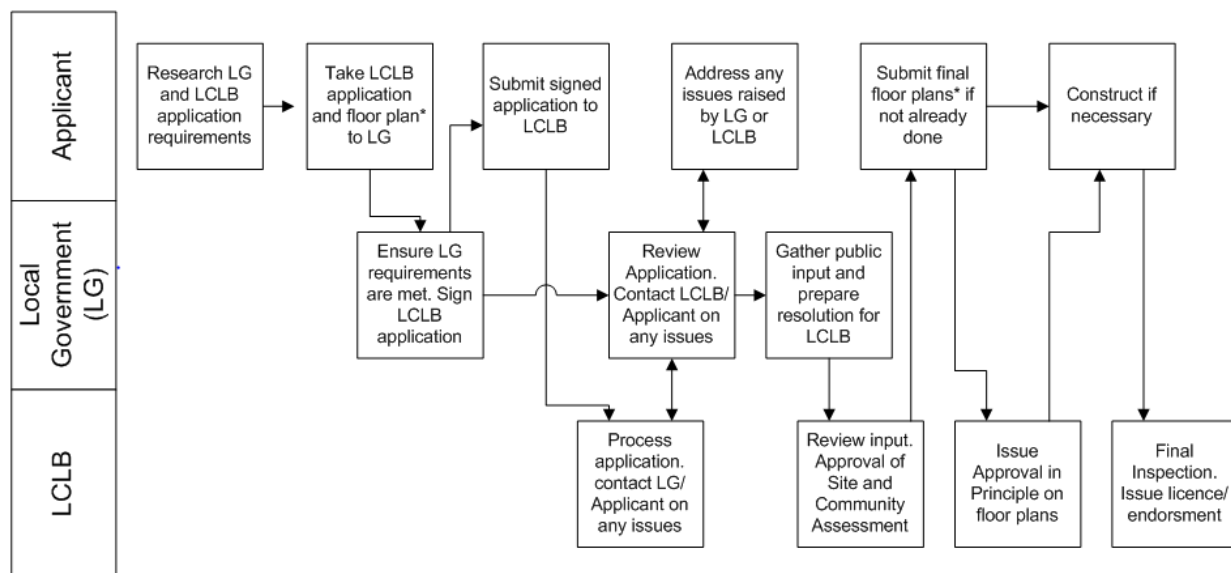
This process comes into effect January 23, 2017. Applications in progress as of that date will follow the new process – the LCLB will contact the LG/FN during the transition period about any applications in progress.

Key Changes Summary:

Key Change	Potential impacts on LGs/FNs
The LCLB will provide more detailed information to applicants, including an application guide. Applicants will be encouraged to research LG/FN and LCLB requirements before submitting their LCLB application.	LGs/FNs may get more enquiries in advance of applications being received. LGs/FNs may want to consider resource materials to explain their application processes and requirements, and identify contact people to address enquiries.
Along with the licence application, applicants will need to submit final floor plans to LCLB with occupant load stamp, wherever possible.	Many applicants will be going to building/fire officials to get an occupant load stamp prior to submitting the LCLB application.
Before sending the application to the LCLB, applicants will need to have the application signed by their LG/FN. Sign-off initiates the 90-day timeframe for the LG/FN to gather input and provide a resolution.	LGs/FNs may want to consider: • What requirements need to be in place prior to signing the application form and initiating the 90-day timeframe (e.g. LG/FN fee payment, LG/FN application form, zoning) • Who at the LG/FN would be authorized to sign the form, and who would serve as the contact for the LCLB.
Applicants will immediately submit LG/FN-signed form to the LCLB. The LCLB will notify the LG/FN that it has received the application.	If the LG/FN doesn't receive notification from the LCLB that it has received the application, the LG/FN should contact the LCLB

Key Change	Potential impacts on LGs/FNs
Applications will be considered concurrently by the LG/FN and the LCLB. The LCLB will not provide the LG/FN with an application summary, since it is no longer needed.	LG/FN review: - The LG/FN will base its review on the information contained in the application package (location, hours, capacity, how it will operate, etc.), as well as any additional information provided by the LCLB. - The LG/FN should contact the LCLB with any questions or concerns they have about the application. - LCLB review: The LCLB will notify the LG/FN of any issues, clarifications or changes to the application

Application process:



*Requires occupant load stamp, normally provided by the local government.

Prior to application:

Applicants will be directed to contact the LG/FN before applying to ask about their requirements (fees, development permit, business licensing, zoning, etc). Where possible, an applicant will be required, to obtain final floor plans with an occupant load stamp prior to submitting their application.

Applicant submits application to the LG/FN:

The applicant initiates the process by taking the required components of the application package to the LG/FN. The application package will include the letter of intent (describing how the establishment would operate) and, where possible, final stamped floor plans. Once the LG/FN requirements are met and the LG/FN is ready to consider the application, the LG/FN will sign and date the application form, initiating the 90-day timeframe within which to provide the LCLB with comments. The LG/FN will also identify who at the LG/FN will serve as the

contact for the LCLB. Alternatively, the LG/FN could choose to advise that they are opting out of providing comment (see LG/FN opting out, below).

Applicant submits application to the LCLB:

The applicant submits the LG/FN-signed application package to the LCLB. The application form will clearly state that the application will not be considered unless it is also submitted to the LCLB.

The LCLB then notifies the LG/FN contact that the LCLB has received the application, and provides the LCLB contact person. If the LG/FN doesn't hear from the LCLB, they should contact the LCLB or the applicant.

Consideration of the application:

Communication between the LG/FN and the LCLB is critical at this stage, as both are reviewing the application concurrently.

LCLB review of application: The LCLB will review the application to ensure it includes critical information, such as the proposed location, hours of operation, person capacity and floor plans. The LCLB will follow up on anything that requires clarification, or if the applicant is requesting something that is contrary to legislation or policy. The LCLB will work with LG/FN to resolve any issues. If any major changes to the application are made, the applicant will be required to provide revised documents to the LG/FN. At this stage, the LCLB will also assess issues such as applicant suitability (see below).

LG/FN review of application: The LG/FN will consider the application based on the information contained in the application form, including location, capacity, hours, the letter of intent and any additional information provided by the LCLB. The application form will request that the LG/FN gather public input (if there are any residents nearby) and provide a resolution commenting on the application within 90 days of signing the form. If the LG/FN needs more time, they can submit a written request to the LCLB.

Resolution, SCA, AIP and licence issuance:

Once received, the LCLB will review the LG/FN comments and make a decision on Site and Community Assessment, copying the LG/FN on the email. If stamped floor plans have been provided, the LCLB can also grant Approval in Principle (AIP) at the same time or shortly thereafter. AIP is granted for a year to allow the applicant time to build or renovate. Once the establishment is ready to begin operating, a final inspection is conducted and the licence/endorsement is issued.

Additional Information:

Occupant load/Floor plans

Applicants will be required, where possible, to provide floor plans with stamped occupant load when they first submit their application, even if the occupant load stamp is preliminary (some LGs/FNs won't give final occupant load until construction is complete). Otherwise, occupant load should be submitted as soon as available.

LG/FN opting out of providing comment

Applicants will take the application form to the LG/FN. LGs/FNs should indicate on the application form if they are choosing to opt out of providing comment. We would ask that the LG/FN decide as soon as possible if they are opting out, so as not to delay the application; this should be done within 30 days of the LG/FN receiving the application.

In these situations, the LCLB will manage the public input process. The LCLB will ask LG/FN staff for information to assist in the process of considering whether to issue the licence/endorsement, including factors which may impact noise or the potential for community disturbance.

LCLB will be reviewing the process and consulting on options for streamlining the opting-out process in the coming months. Incomplete LG/FN recommendations

If the LG/FN plans to comment on an application, they must gather public input (unless, there are no residents nearby) and provide LCLB with their comments on the application. The LCLB will only be able to consider LG/FN comments if the LG/FN has also gathered public input. On the flip side, if an LG/FN has gathered public input, they are required to also provide comment to LCLB. Both components are required to meet the regulatory criteria.

Zoning

If rezoning is required, the LG/FN may want to address zoning prior to considering a liquor licence application. In these situations, the LG/FN would not sign the liquor licence application. When and if zoning is approved, the LG/FN would sign the application, initiating the 90-day timeframe.

If the LG/FN wants to consider zoning and liquor at the same time, the LG/FN would sign the LCLB application and ensure the LCLB is aware that rezoning would be required. The public input process can address both zoning and liquor as long as the input process provides sufficient detail about the proposed establishment (such as hours, capacity, location, etc.).

Application problems and delays

- If an LG/FN requires more than 90 days to provide comment, they are required to submit a request to the LCLB contact explaining why, and provide a proposed alternate date for providing comments.
- If an LG/FN has issues with the proposed establishment or the application is delayed for some reason, LG/FN will notify the LCLB contact.
- If the applicant is not providing the LG/FN with the information they need to be able to consider the application, LG/FN will notify the LCLB; the application will be terminated if the applicant is not taking the necessary steps to move it forward.

Applicant suitability

In rare cases, it may be determined that an applicant is not suitable to hold a licence as a result of a history of criminal activity, or other issues. The LCLB will notify the LG/FN if there are potential issues that will likely lead to an application being denied.

Appendix B – Delegate so staff can provide comment on applications

A local government (LG) can delegate the authority to provide comment on some or all types of liquor licensing applications that would otherwise require a resolution. The delegation must comply with applicable local government legislation and section 40 of the *Liquor Control and Licensing Act*, as follows.

Delegation by local government regarding comments and recommendations

- 40** (1) Despite section 154 (2) (c) of the *Community Charter*, a council as defined in that Act may delegate its powers and duties under section 38 (2) or (3) of this Act.
- (2) If a council referred to in subsection (1) delegates its powers and duties under section 38 (3) of this Act, an applicant whose application is the subject of delegated comments and recommendations under that section has the right to have the delegated comments and recommendations reconsidered by the council, and section 156 of the *Community Charter* applies as if the council had delegated a power to make a decision.
- (3) Despite section 10 of the *Islands Trust Act*, the trust council as defined in that Act may delegate its powers and duties under section 38 (2) or (3) of this Act.
- (4) If the trust council referred to in subsection (3) delegates its powers and duties under section 38 (3),
- (a) the trust council must, by bylaw, establish procedures for a reconsideration of delegated comments and recommendations, including how a person may apply for a reconsideration,
 - (b) in undertaking a reconsideration referred to in paragraph (a) of this subsection, the trust council has the same authority as that conferred on the delegate, and
 - (c) the delegate must advise the applicant whose application is the subject of the delegated comments and recommendations of the applicant's right of reconsideration.
- (5) Despite section 229 (2) (e) of the *Local Government Act*, a board as defined in that Act may delegate its powers and duties under section 38 (2) or (3) of this Act.
- (6) If a board referred to in subsection (5) delegates its powers and duties under section 38 (3), an applicant whose application is the subject of delegated comments and recommendations under that section has the right to have the delegated comments and recommendations reconsidered by the board, and section 232 of the *Local Government Act* applies as if the board had delegated a power to make a decision.
- (7) If the Council as defined in the *Vancouver Charter* delegates its powers and duties under section 38 (3) of this Act to make comments and recommendations,
- (a) the Council must, by bylaw, establish procedures for a reconsideration of delegated comments and recommendations, including how a person may apply for a reconsideration,
 - (b) in undertaking a reconsideration referred to in paragraph (a) of this subsection, the Council has the same authority as that conferred on the delegate, and
 - (c) the delegate must advise the applicant whose application is the subject of the delegated comments and recommendations of the applicant's right of reconsideration.

The delegation can be very specific (for example, all applications to extend closing times up to 2 am, or all applications where public input resulted in no more than five letters of opposition). A LG that has delegated authority to staff should send a copy of the delegation to the LCLB at lclb.lclb@gov.bc.ca describing the parameters of the delegation.



File No.: 6500-20 (Vacation Home
Rentals Minor LUB
Amendment, Bylaw No. 155)

DATE OF MEETING: December 1, 2017
TO: Hornby Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Vacation Home Rentals Land Use Bylaw Amendment, Bylaw No. 155

RECOMMENDATION

1. That the Hornby Island Local Trust Committee Bylaw No. 155, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”, be read a third time.
2. That Bylaw No. 155, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The purpose of the report is to present Proposed Bylaw No. 155 for consideration of third reading by the Hornby Island Local Trust Committee (LTC).

BACKGROUND

At their regular business meeting on September 8, 2017 the LTC passed the following resolutions:

HO-2017-049

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 155, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2017-050

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 155, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”, be read a second time.

CARRIED

HO-2017-051**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee waive the holding of the Public Hearing for Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017" because Bylaw No. 155 is consistent with the Hornby Island Official Community Plan Bylaw No. 149, and request staff to undertake the required public notification process pursuant to Sections 464(2) and 467 of the Local Government Act to waive the Public Hearing.

CARRIED**HO-2017-052****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to provide information to the public regarding the rationale for Bylaw No. 155 in conjunction with providing public notification with respect to waiving the Public Hearing.

CARRIED

Staff undertook the required public notification process pursuant to Sections 464(2) and 467 of the *Local Government Act* to waive the Public Hearing. A Notice to Waive Public Hearing (see Attachments) was posted in the Hornby Tribune, and a copy was posted at the Hornby Co-op. A copy of the Notice and Proposed Bylaw No. 155 could be inspected at the Islands Trust Northern Office between October 23, 2017 and Thursday, November 2, 2017. For the convenience of the public, a copy of the Notice and Proposed Bylaw No. 155 could be inspected at the Hornby Island Public Library and viewed on the Islands Trust website.

Rationale for Recommendation

Staff have not received any questions or comments from the public on the proposed bylaw at the time that this report was prepared. Staff recommends third reading and forwarding the bylaw to the Executive Committee with no changes to the bylaw.

NEXT STEPS

Provided that the LTC concurs with the recommendation, staff will prepare a submission package for the Executive Committee's consideration.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	October 20, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 25, 2017

ATTACHMENTS

1. Notice to Waive Public Hearing
2. Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment 1, 2017"

Hornby Island Local Trust Committee

NOTICE TO WAIVE PUBLIC HEARING

NOTICE is hereby given that the Hornby Island Local Trust Committee is waiving a public hearing for proposed Bylaw No. 155, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”. The public hearing is being waived under the authority granted in Sections 464(2) and 467 of the *Local Government Act* that states that a local government may waive the holding of a public hearing on a proposed bylaw if an Official Community Plan is in effect for the area that is subject to a proposed zoning bylaw, and the proposed bylaw is consistent with the plan. Proposed Bylaw No. 155 is consistent with the Official Community Plan for Hornby Island.

The Hornby Local Trust Committee gave first reading by Resolution Without Meeting on September 6, 2017 and at the regular business meeting on September 8, 2017 the Hornby Island Local Trust Committee gave second reading of the proposed bylaw.

What is Proposed Bylaw No. 155 about?

Proposed Bylaw No. 155, in general terms, if adopted, would amend the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) to correct two items:

1. To include wording, that was unintentionally omitted from the current Hornby Land Use Bylaw. These provisions would allow year round vacation home rentals on larger lots where zoning permits a second dwelling. An owner or tenant can live in one legal dwelling while the second legal dwelling may be used for a vacation home rental at any time of the year. After Bylaw amendment No. 145 was adopted by the LTC in the summer of 2012, the Hornby Land Use Bylaw No. 86 (in effect at the time, now repealed) was consolidated to include this new provision, but the provision was then unintentionally omitted from the current Hornby Land Use Bylaw. In 2012 the *Guide to Vacation Home Rentals* was developed and includes this provision and was posted on the Islands Trust Website and currently remains in the “Resources” section: <http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/resources/>.
2. To correct a reference in Section 8.24 Mariculture (M3) Zone, Subsection Conditions of Use (3) by deleting the number “8.29 (2)” and replacing it with the number “8.26 (2)”

How Do I get More Information?

A copy of the proposed bylaw may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am and 4:00 pm, Monday to Friday, excluding statutory holidays, commencing Wednesday, November 15, 2017 and ending Thursday, November 30, 2017.

For the convenience of the public only, and not to satisfy Section 466(2)(e) of the *Local Government Act*, a copy of the proposed bylaw can be inspected at the Public Library located at 1765 Sollans Road, Hornby Island. In addition, the proposed Bylaw may also be viewed on the Islands Trust website (www.islandstrust.bc.ca) under “Islands”, “Local Trust Area”, “Hornby”, “Bylaws”.

Enquiries may be directed to Marnie Eggen, Island Planner by email at meggen@islandstrust.bc.ca, by phone at 250-247-2210 or by fax at 250-247-7514; for toll-free access, request a transfer to the above telephone number via Service BC: in Vancouver at 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Becky McErlean
Deputy Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 155

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

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. 1, 2017”.

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw No. 150, 2014” is amended as follows:

2.1 PART 3 GENERAL REGULATIONS, Section 3.7 Vacation Home Rental Uses, Subsection 3.7(1) is amended by

(a) Adding a new regulation directly after article 3.7(1)(a):

“3.7(1)(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.”

(b) Renumbering the subsequent article to 3.7(1)(c):

“3.7(1)(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.”

2.2 PART 8 ZONE REGULATIONS, Section 8.24 Mariculture (M3) Zone, Subsection Conditions of Use (3) is amended by deleting the number “8.29 (2)” and replacing it with the number “8.26 (2)”.

READ A FIRST TIME THIS	6 TH	DAY OF	SEPTEMBER	, 2017
READ A SECOND TIME THIS	8 TH	DAY OF	SEPTEMBER	, 2017
PUBLIC HEARING WAIVED THIS	8 TH	DAY OF	SEPTEMBER	, 2017
READ A THIRD TIME THIS	TH	DAY OF		, 201X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	TH	DAY OF		, 201X
ADOPTED THIS	TH	DAY OF		, 201X

SECRETARY

CHAIRPERSON



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: September 8, 2017
Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

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

Staff Present Marnie Eggen, Island Planner
 Teresa Rittemann, Planner 2
 Vicky Bockman, Recorder

Public Present There were no members of the public in attendance – am
 There was one member of the public in attendance - pm

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.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 12.3.1 Trustee and Local Expense Report dated July, 2017
- 13.1 Follow-up to Telus Tower Application

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS - None

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated July 7, 2017 for Adoption

The following amendment to the minutes was presented for consideration:

- Page 7, item 12.7, second paragraph, second bullet, add after “meeting”:
 “with representatives”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report dated August 30, 2017

Received.

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 30, 2017

Planner Eggen presented the Follow-up Action List and responded to a question that arose regarding the Vacation Home Rental Review project.

7.2 "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017" Bylaw No. 155 - Staff Report

Planner Eggen presented the Staff Report that addresses the correction of two errors in the Hornby Island Land Use Bylaw (LUB) No. 150: the inadvertent omission of Bylaw Amendment No. 145 (Vacation Home Rentals) and the correcting of a section number in the (M3) Zone, Subsection Conditions of Use.

She proposed that the Local Trust Committee (LTC) advance the amending bylaw at this time as the 2017 Vacation Home Rental Review project is moving forward. She advised that staff recommends that the LTC waive the Public Hearing because of the minor nature of the amendments and the proposed bylaw is consistent with the Hornby Island Official Community Plan (OCP).

Trustees discussed approaches to inform the community of the proposed bylaw's purpose and briefly explain the rationale for waiving a Public Hearing. They considered that this information might be added to Trustee Reports and the notice of waiver of Public Hearing.

HO-2017-049

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2017-050

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017", be read a second time.

CARRIED

HO-2017-051**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee waive the holding of the Public Hearing for Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017" because Bylaw No. 155 is consistent with the Hornby Island Official Community Plan Bylaw No. 149, and request staff to undertake the required public notification process pursuant to Sections 464(2) and 467 of the *Local Government Act* to waive the Public Hearing.

CARRIED**HO-2017-052****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to provide information to the public regarding the rationale for Bylaw No. 155 in conjunction with providing public notification with respect to waiving the Public Hearing.

CARRIED

- 8. **DELEGATIONS - None**
- 9. **CORRESPONDENCE - None**
- 10. **APPLICATIONS AND REFERRALS**

10.1 HO-DP-2017.1 & HO-DVP-2017.2 (Hornby Island Co-op Association) - Staff Report

Trustee Allen declared a conflict of interest due to his employment at the Hornby Island Co-op Gas Bar and left the meeting at 11:56 am.

Planner Ritemann presented the Staff Report that provided information regarding the addition of a building as well as variance requests for the property. She reported that the Development Variance Permit (DVP) addresses encroachments of buildings/structures into the Ministry of Transportation and Infrastructure (MoTI) road right-of-way and the Commercial Development Permit (DP) application relates to the addition of a building in the Ringside Market. She advised that staff is recommending that prior to the issuance of the DVP that the applicant obtain written permission from MoTI for the encroachments.

Trustees considered the applications and the following points were noted:

- Rationale for considering the DVP prior to MoTI's permit for encroachment was presented;
- Planner Ritemann explained that should MoTI not grant permission the plan would require amending;
- The plans were reviewed and it was confirmed that the new building will be constructed within the property line; and
- A meeting with MoTI was suggested as a possibility to discuss potential safety issues relating to the road.

By general consent item 13.2 Meeting with MoTI was added to the agenda.

HO-2017-053**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2017.2 with the following variances to Hornby Island Land Use Bylaw No. 150, 2014:

- a) To reduce the front lot line setback from 6.0 metres to 0.0 metres for all buildings and structures as shown in the proposed site plan; and
- b) To reduce the exterior side lot line setback from 6.0 metres to 0.0 metres for all buildings and structures as shown in the proposed site plan;

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Section 62 and 90 of the *Transportation Act*.

CARRIED**HO-2017-054****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2017.1, following issuance of HO-DVP-2017.1, subject to the following conditions:

- a) No neon or internally lit signs are permitted.
- b) Off-street automobile parking shall be provided as required by Hornby Island Land Use Bylaw No. 150, 2014 and shall be adequately screened and unobtrusive, and where possible, located to the rear of the parcel and away from public open spaces and eating places.
- c) Natural vegetation and trees shall be maintained for screening of parking and storage areas and to maintain the privacy and rural flavour of public open spaces.
- d) Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
- e) Lighting shall not illuminate adjacent private properties.
- f) The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- g) The form of the development shall incorporate low, small-scale building design with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- h) All buildings shall be finished in wood or brick.
- i) Businesses shall be clustered in order to share in the provision of parking, services, and public facilities and open space.
- j) Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
- k) Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Sections 62 and 90 of the *Transportation Act*.

CARRIED

Trustee Allen returned to the meeting at 12:16 pm.

By general consent the meeting recessed at 12:17 pm and reconvened at 12:33 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Vacation Home Rental Review Project - Verbal Update

Planner Rittermann provided an update on the Vacation Home Rentals survey, noting that the survey is still in circulation and that analysis will be conducted and shared. Trustees reported that they have been active in encouraging participation.

A Trustee proposed a change to the Project Charter to provide an opportunity for agencies to consult in the process.

HO-2017-055

It was MOVED and SECONDED,

that the Vacation Home Rental Policy Review Project Charter Work Plan Overview be amended by changing “Community consultation to solicit community input...” to “Community and agency consultation to solicit community input...”

CARRIED

12. REPORTS

12.1 Work Program - For Discussion (Review of Work Program in relation to what is taking place in the community relevant to the Islands Trust Mandate and the time remaining in the term)

A Trustee observed that this might be an appropriate time to consider possible changes to the Work Program. Discussion followed on key possibilities including:

- Proactively communicating the OCP policies which have emerged as important issues in the community;
- Addressing housing concerns – rental housing remains urgent. An update on the Islanders’ Secure Land Association project was provided and it was observed that there has been no uptake on the use of Temporary Use Permits for additional housing on larger properties; and
- Marine protection – community outreach and possible coordination with First Nations interests.

12.1.1 Top Priorities Report dated August 30, 2017

A Trustee suggested it might be useful to receive an update for consideration at the next LTC meeting on Priority No. 2’s status, work to be completed, and timeline.

HO-2017-056

It was MOVED and SECONDED,

that the project "Communication with residents/owners" be moved from the Projects List and added as a fourth Top Priority with Local Trust Committee being persons responsible.

CARRIED

HO-2017-057

It was MOVED and SECONDED,

that the Top Priorities List be amended by changing the activity for priority no. 1 from "Participate in proposed upcoming C2C meeting" to "Move toward possible OCP amendments to address First Nations' interests that might include 'Background' of the Official Community Plan, marine issues, and place names.

CARRIED

HO-2017-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to provide the Local Trust Committee with documentation and correspondence with respect to Minister's approval of the Hornby Island Official Community Plan regarding First Nations' interests.

CARRIED

12.1.2 Projects List Report dated August 30, 2017

Received.

12.1.3 Hornby LTC 2014-2018 Term Goal Setting Session

Received.

12.1.4 Work Program - For Discussion

Received.

12.2 Applications Report dated August 30, 2017

Received.

12.3 Trustee and Local Expense Report dated June, 2017

Received.

12.3.1 Trustee and Local Expense Report dated July, 2017

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes requested.

12.6 Chair's Report

Chair Busheikin reported on the following:

- Salt Spring Island referendum occurring tomorrow;
- Denman Island design charrette is going well;
- Is participating in a Denman Island Reconciliation Action Group; and
- Preparation is underway for the Union of BC Municipalities convention in September, including meetings with representatives of various Ministries being organised.

12.7 Trustee Reports

Trustee Law reported on the following:

- Facilitated a meeting with Sea Breeze Lodge, neighbours and a Regional District Compliance Officer with a goal of producing ideas and possible solutions to ongoing concerns; and
- A discussion was held with MP Gord Johns regarding housing and rural areas infrastructure, which on Hornby Island includes on-site ground water; and the need to access funding for this to support housing.

Trustee Allen reported on the following:

- Attended the Well Water Workshop which was well attended; and
- Attended a Local Planning Committee meeting where cell tower protocol, the Northern Region Housing Assessment and staffing issues were discussed.

12.8 Electoral Area Director's Report - None

12.9 Trust Fund Board Report - None

13. NEW BUSINESS

13.1 Follow-up to Telus Tower Application

A trustee requested an update on the proposed Telus tower. He noted that if the tower is not proceeding, a switching unit might be pursued that allows communication within Hornby Island in the case of a cable failure.

Planner Eggen responded that an update has not been received and indicated that she will follow-up with representatives of Telus and Industry Canada.

13.2 Meeting with MoTI

A trustee proposed that the annual meeting with MoTI be initiated to discuss various road, culvert, and beach access issues. Discussion followed and the trustee offered to organise this meeting, soliciting input from community members, and will invite staff to attend.

HO-2017-059

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee set up a meeting with a representative from Ministry of Transportation and Infrastructure to take place in the Fall of 2017 and invite staff to attend.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for November 3, 2017 at 11:30 am at Room to Grow, the Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

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

15. TOWNHALL - None

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:55 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meeting

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2017-06	In Favour	"That Hornby Island Local Trust Committee Bylaw No. 155, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017", be read a first time."	06-Sep-2017
2017-07	In Favour	"That the Hornby Island Local Trust Committee schedule a special business meeting on Friday, December 1, 2017".	10-Nov-2017

Follow Up Action Report

Hornby Island

02-Dec-2016

Activity	Responsibility	Target Date	Status
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. Staff to also discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building.	Marnie Eggen Fiona MacRaid		On Going

07-Jul-2017

Activity	Responsibility	Target Date	Status
LTC waived 10% road frontage requirement for Lot B, Section 12, Hornby Island, Nanaimo District VIP58906, except part in Plan VIP88619 Lot 1, Section 12, Hornby Island, Nanaimo District, Plan VIP88619 for Proposed Lot 2 as shown on the plan of subdivision for application HO-SUB-2016.2.	Sonja Zupanec		Done
LTC accepted a covenant from the registered owner of Lot B, Section 12, Hornby Island, Nanaimo District, Plan VIP58906 Except Part in Plan VIP88619 and Lot 1, Section 12, Hornby Island, Nanaimo District Plan VIP88619 an designated the Chair and Trustee Law to sign the covenant (HOSUB-2016.2, 1660 Lea Smith Road).	Sonja Zupanec		Done

08-Sep-2017

Activity	Responsibility	Target Date	Status
Staff to contact Telus and Innovation, Science and Economic Development Canada regarding any anticipated follow up from them re: Telus tower application HO-OTH-2016.1.	Marnie Eggen	29-Sep-2017	On Going



Follow Up Action Report

LTC to set up a meeting with MOTI and invite staff.			On Going
Staff to add agency to fourth item in Vacation Home Rental Review Project Workplan Overview so that it reads the following - Community and agency consultation...	Marnie Eggen	11-Sep-2017	Done
Staff to update Amendment Bylaw No. 155 with 2nd reading and provide notification of the waiving of a public hearing, including information for the public regarding the rationale for the bylaw.	Becky McErlean Marnie Eggen Wil Cottingham	29-Sep-2017	Done
LTC approved issuance of HO-DVP-2017.2, subject to applicant obtaining necessary encroachment and setback permits from MOTI. LTC approved issuance of HO-DP-2017.1 following issuance of HO-DVP-2017.2.	Becky McErlean Penny Hawley Teresa Rittemann		On Going
Staff to provide documentation and correspondence with regard to Ministry approval of the OCP regarding FN interests (e.g. LTC commitments made).	Marnie Eggen	12-Oct-2017	On Going

British Columbia Ferry Services Inc.
Suite 500, 1321 Blanshard Street
Victoria, BC V8W 0B7

Tel (250) 978-1502
Fax 1-866-846-0453

www.bcferries.com

September 18, 2017

Sent via email to: [REDACTED]

Our File: FOI-2018-017

Bernhard Weiss
[REDACTED]

Dear Mr. Weiss:

Re: Freedom of Information and Protection of Privacy Request

British Columbia Ferry Services Inc. (BC Ferries) received your request for access to the following information on September 14, 2017:

The net passenger inflow and outflow for each day from beginning of June to end of September [for the ferry for Hornby Island], 2013 to present.

We will treat this as a request for access to records under the *Freedom of Information and Protection of Privacy Act* (the FOIPP Act). In accordance with the FOIPP Act, we will respond to your request within 30 business days; therefore, you can expect a response by October 27, 2017 or sooner, if possible.

You should be aware that the FOIPP Act does allow, in certain cases, for the time period to be extended and for fees to be charged. We will notify you as soon as possible if there is a need to extend the time limit for responding to your request or to charge fees.

All subsequent correspondence will bear the file number FOI-2018-017. Please quote this number if you have further occasion to write to us regarding this matter. If you have any questions now or during the processing of your request, please write or call our office at 250-978-1502.

Sincerely,



Josée Magas, Information & Privacy Analyst
FOIPP Office

From: Darren Bond [REDACTED]
Sent: Tuesday, September 19, 2017 3:42 PM
To: foipp@bcferries.com
Cc: [REDACTED]
Subject: Support for request: FOI-2018-017

Hello,

I am writing in support of the the request submitted by one of our Hornby Island residents, Bernhard Weiss, on Sept. 14th for daily ferry passenger statistics during busy time periods: **FOI-2018-017**.

As a member of the Board of Hornby Island Economic Enhancement Corporation (HICEEC), we are increasing our focus on obtaining important statistics to help understand key drivers of our local economy, and, from there, to guide expenditures of monies collected through our property tax assessments. This request would support our strategy.

As you likely know, Hornby Island has a wide variation in the ferry traffic between the winter and summer seasons (the widest in the fleet, I've heard). The large number of visitors, along with full-time and seasonal residents, affects the island's economy and environment, but the actual peak number of people is still a guess, largely derived from your monthly reports made available on your website. Having the information requested will allow us to drill down to a much more accurate number, and hopefully to make better community-based decisions tied to the statistics.

Thank you very much for your consideration,

Darren

Darren Bond
[REDACTED]

**Top Priorities****Hornby Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	Move towards possible OCP amendments to address First Nation interests that might include "Background" of OCP, marine issues, and place names.	12-Feb-2016	Marnie Eggen Laura Busheikin Tony Law Alex Allen Fiona MacRaild	
2	Housing amendments	Review of community housing definition and setback requirements for the 8.3A, Community Housing zone of Bylaw No. 150 Prepare draft amending bylaw and develop a housing agreement.	10-Jun-2016	Rob Milne	
3	Vacation Home Rental Policy Review	Implement the Project Charter for reviewing vacation home rentals	10-Jun-2016	Marnie Eggen Teresa Ritemann	
4	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	Marnie Eggen Pamela Hafey Tony Law Alex Allen	

**Projects****Hornby Island**

Description	Activity	R/Initiated
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 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	
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



Projects

Hornby Island

Description	Activity	R/Initiated
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.

SUMMARY NOTES FROM FEBRUARY 27, 2015 SESSION

Trustee Responses to "Wish List" Brainstorm

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

- 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

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; Planning; 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 (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; Consultation; Planning; Regulatory changes?	Begin with scoping out possible approaches? 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; Planning; Regulatory changes?	Re-prioritize in response to expressions of community interest?
10.	Conduct a consultative process for the Ford Cove area	Consultation; Planning; 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 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; 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; Mapping; Amend OCP? Communications	

Tony Law – 21 September 2015



Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.1	HORNBY ISLAND COOPERATIVE ASSOCIATION Planner: Teresa Rittemann	04-Apr-2017	PID: 026-371-791. Buildings do not meet current property bylaws. Civic address: 5875 Central Road, Hornby Island.
Planning Status			
Status Date: 18-Oct-2017 Planner awaiting applicant confirmation from MOTI before issuing the permits.			
Status Date: 21-Sep-2017 At Sept 8 meeting the LTC passed resolutions HO-2017-053 and HO-2017-054 to approve issuance of DP following issuance of DVP which is subject to MOTI approval. Planner emailed applicant to let them know to work with MOTI upon confirmation from MOTI we will issue the DVP and then the DP, and then they will still need an SUP before commencing the work.			
Status Date: 21-Aug-2017 Application to appear on HO LTC meeting agenda for consideration at Sept 8 2017.			

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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.2	HORNBY ISLAND COOPERATIVE ASSOCIATION Planner: Teresa Rittemann	04-Apr-2017	PID: 026-371-791 Buildings do not meet current property bylaws. Civic address: 5875 Central Road, Hornby Island.

Applications

Planning Status

Status Date: 18-Oct-2017

Planner awaiting applicant confirmation from MOTI before issuing the permits.

Status Date: 21-Sep-2017

At Sept 8 meeting the LTC passed resolutions HO-2017-053 and HO-2017-054 to approve issuance of DP following issuance of DVP which is subject to MOTI approval. Planner emailed applicant to let them know to work with MOTI upon confirmation from MOTI we will issue the DVP and then the DP, and then they will still need an SUP before commencing the work.

Status Date: 21-Aug-2017

Application to appear on HO LTC meeting agenda for consideration at Sept 8 2017.

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

Planner: Madeleine Koch

Planning Status

Status Date:

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
HO-LCB-2017.1	Isla de Lerena Vineyard	17-Oct-2017	PID: 003-042-219 Lounge endorsement for Bistro at Isla de Lerena Vineyard. Civic: 1885 Central Road, Hornby Island, BC

Planner: Teresa Rittemann

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-LCB-2017.2	Fossil Beach Farm Ltd.	15-Nov-2017	PID: 011-189-037 Special Events Endorsement Civic: 750 Savoie Road, Hornby Island, BC

Applications

Planner: Teresa Ritemann

Planning Status

Status Date:

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2017.13	Katez, David	01-Nov-2017	PID: 001-756-184 Building an accessory building. Civic address: 5530 Hughes Road, Hornby Island, BC.

Planner: Teresa Ritemann

Planning Status

Status Date: 02-Nov-2017

Planner completed review. Updated TAPIS and gave to PTA to issue the permit and close the file.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2017.14	SEAN A HARRISON ROXANNE L BOYKO	09-Nov-2017	PID: 003-009-416 Addition to SFD Civic address: 4925 Arthurs Road, Hornby Island, BC

Planner: Ian Cox

Planning Status

Status Date:

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2016.2	GROND, HELEN	09-Mar-2016	PID: 028-464-095 Lot 1, Section 12, Hornby Island\nPID: 018-755-801 Lot B, Section 12, Hornby Island\nSubdividing two lots into three

Planner: Sonja Zupanec

Planning Status

Status Date: 21-Jun-2017

Updated referral response completed and sent to MOTI; applicant requires a 10% frontage waiver by LTC and registration of restrictive covenant limiting subdivision of Lot 1. All other requirements of LUB met.

Applications

Status Date: 31-Mar-2016

Referral response completed and sent to MOTI, applicant and HOLTC. Proposed subdivision does not comply with HO LUB regulations.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerbuerger Land Surveying	16-Nov-2016	PIDs: 027-126-323; 009-651-110; 009-651-268. Road closure application. Subdivision to adjust lot lines to follow, via MoTI referral. Civic: 4555 and 4755 Fowler Road, Hornby Island, BC.

Planner: Linda Prowse

Planning Status

Status Date: 25-May-2017

Monitor to see if the applicant will submit a DVP application. Will bring forward to June 22, 2017 and contact MOTI if we have not received anything by then.

Status Date: 11-May-2017

HO LTC resolved to not support closure of Fowler Road as the proposal is inconsistent with the Hornby OCP and public input does not support the proposal

Status Date: 11-May-2017

The lot line adjustment part of this subdivision application cannot proceed without an approved DVP to vary the section of the LUB that disallows split lot subdivisions

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.2	BENJAMIN T LONES	28-Apr-2017	PID: 002-747-774 2 lot subdivision. Civic address: 4685 Central Road, Hornby Island.

Planner: Madeleine Koch

Planning Status

Status Date:

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending October 2017

635 Hornby	Invoices posted to Month ending October 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	338.12	411.88
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,750.00	1,356.80	1,393.20
65210-635	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-635	LTC - Local Exp - Communications	1,000.00	254.30	745.70
65230-635	LTC - Local Exp - Special Projects	500.00	10.70	489.30
TOTAL LTC Local Expense		<u>4,750.00</u>	<u>1,621.80</u>	<u>3,128.20</u>
Projects				
73001-635-4067	Hornby First Nations Relations	500.00	731.07	-231.07
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	500.00	154.30	345.70
73001-635-4084	Hornby LUB Community Housing Amendments	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>2,000.00</u>	<u>885.37</u>	<u>1,114.63</u>

Hornby Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	Feb 28, 2017	HO-O43-2013	Enforcement Actions related to rentals of Accessory buildings by non-residents	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 Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the residential density review project is complete, whichever is the sooner.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality October 2017



Regional Conservation Plan (RCP)

The Trust Fund Board (TFB) has approved the draft Regional Conservation Plan (RCP) for 2018-2027. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. A new element is a focus on relationship building with First Nations. The Board has referred the RCP to local trust committees and Bowen Island Municipality for review. (It has also been referred to partner agencies and First Nations and will be posted on the Islands Trust Fund (ITF) website with a mechanism to enable public feedback). Staff will be available to attend LTC and BIM meetings in person if possible and electronically if not. The Board is expecting to consider final approval of the Regional Conservation Plan in January 2018.

Islands Trust Fund Five Year Plan

The *Islands Trust Act* requires the TFB to submit a plan to the minister every five years providing information on goals and key policies. The Board has approved a draft plan for 2018-2022 which references the new Regional Conservation Plan and describes relevant policies. This draft is also being referred to local trust committees, Bowen Island Municipality and First Nations. The Board expects to submit the plan to the Minister by the end of the year.

Board Retreat

The TFB and senior staff will be participating in a day long retreat in October for high level discussions on future directions with a particular focus on fundraising, (with facilitation from an experienced expert in the field).

Property Monitoring

The Board has received detailed reports on the results of this year's monitoring of our 27 nature reserves, the 24 NAPTEP covenanted areas and the 50 other covenants we hold. A number of management issues have been identified which are now being addressed (see below for highlights by island).

Summary of Current Island-by-Island Activities

Bowen

Trees recently planted at the David Otter Nature Reserve are looking healthy.

Denman

Communication is continuing with neighbours of the Lindsay Dickson Nature Reserve to clearly delineate property boundaries. Mountain bike damage is a concern in the Morrison Marsh Nature Reserve; addressing this issue will be considered during the current review of the management plan. There is no further evidence of tree cutting at the Inner Island Nature Reserve following two large trees being felled there last year. The Trust Fund Board has registered a covenant on the Denman Conservancy Association's Settlement Lands.

Gabriola

The Elder Cedar Nature Reserve continues to suffer from vandalised signs and the impacts of unpermitted mountain bikes and horses. ITF is working with GaLTT to address these and other issues.

Galiano

Monitors were excited to see falcons at the cliffs on Trincomali Nature Reserve. ITF and Galiano Conservancy Association are looking into possible vehicle intrusions and tree removal in the Vanilla Leaf Land Nature Reserve.

Gambier

Recent plantings at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves are looking healthy.

Keats

The fifth draft of a covenant for Sandy Beach has been sent to Sunshine Coast Conservation Association and The Land Conservancy of BC for review. A draft baseline report has been received and is now being reviewed.

Lasqueti

Sheep browsing is proving to be a challenge for restoration work at the John Osland Nature Reserve, (where approximately 50% of the plantings have died) and Mount Trematon Nature Reserve. Stronger materials will be required for protective cages.

South Pender

Progress is being made towards establishing the covenant for Brooks Point Regional Park.

Salt Spring

A trail location issue at Lower Mount Erskine Nature Reserve and a tree cutting incident at McFadden Creek Nature Reserve are being addressed.

Thetis

The first monitoring visit was completed at Moore Hill Nature Reserve and management planning is in progress. Pledges for Fairyslipper Forest are processed and there are two grant applications in progress to raise more funds to complete the purchase. Hydrological and ecosystem assessments are complete for the property.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



DATE OF MEETING: December 1, 2017
TO: Hornby Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2018 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2018: February 9, April 27, June 8, August 3, September 28, and November 30.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2018. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 19, 2017
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ATTACHMENT

1. Tentative 2018 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2018 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 23*	January 18	January 25	-	-	-	-
	-	-	-	February 9	February 19*	February 13*	-
	March 6	March 1*	March 8*	-	-	-	March 28
	-	April 12	April 19*	April 27*	April 23	April 17	-
	May 1	May 3*	May 24	-	-	May 22*	-
	June 12*	June 14	June 28	June 8	June 4*	-	-
	-	July 12	July 26	-	July 23	July 10*	July 18
	August 7	August 16*	August 30*	August 3*	-	August 28*	-
	-	September 27*	-	September 28*	September 24	-	-
	October 2	-	-	-	-	-	-
	November 20	November 22*	November 15*	November 30*	November 26	-	-
	-	-	-	-	-	December 11*	December 12
Total	7	9	8	6	6	6	3

Day	1 st Tuesday	2 nd Thursday	4 th Thursday	2 nd Friday	4 th Monday	3 rd Tuesday	Wednesday
Time	9:30 am	10:15 am	10:45 am	11:30 am	11:00 am	9:45 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Ctr	TBD	Room to Grow	Judith Fisher Centre	Thetis Community Centre	TBD

**Meeting moved from designated day due to scheduling conflict*

Key Dates

Stat Holidays	Jan. 1; Feb.12; Mar 30, Apr 2; May 21; July 2; Aug.6; Sept.3; Oct.8; Nov.12; Dec.25,26
Trust Council	March 13-15, June 19-21, Sept 18-20 (tentative), Nov 6-8 (tentative)
Executive Committee	Jan 17, Feb 7, 28, Mar 13, Apr 11, May 9, June 6, 19, July 18, Aug 15, Sept 5, 18, Oct. 10, 24, Nov 6, 28, Dec 12
Financial Planning Committee	Jan 16, Feb 21, May 30, Aug 9, Oct 17
Trust Fund Board – DRAFT	Jan 30 or Feb. 6, Apr. 3 or 10, May 29, July 17, Sept 25, Nov 27
Trust Programs Committee	Feb 13, May 22, Aug 21, Oct 9
Local Planning Committee	Feb 15, May 24, Aug 23, Oct 11
SD 79 (Cowichan) Spring Break	Mar 12-23
SD 46 (Sunshine Coast) Spring Break	Mar.19-Apr 2
SD 68 (Nanaimo) Spring Break	Mar.19-Apr 2
SD 71, 79 (Comox) Spring Break	Mar 26-Apr 6
LGLA Conference	Jan 31-Feb.2
Salish Sea Ecosystem Conference	Apr 4-6
AVICC Conference	April 13-15
LGMA Conference	May 15-17
PIBC Conference	May 29-June 1
CIP Conference	June 19-22
UBCM Conference	Sept. 10-14

DATE OF MEETING: December 1, 2017

TO: Hornby Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Ann Kjerulf, Regional Planning Manager

SUBJECT: Hornby Official Community Plan, Ministerial Approval and First Nations Interests

PURPOSE

The purpose of this Memo is to provide the Hornby Island Local Trust Committee (LTC) with background information respecting Ministerial approval of the Hornby Island Official Community Plan regarding First Nations' interests, as per the resolution passed by the LTC at the regular business meeting of September 8, 2017:

HO-2017-058

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

that the Hornby Island Local Trust Committee request staff to provide the Local Trust Committee with documentation and correspondence with respect to Minister's approval of the Hornby Island Official Community Plan regarding First Nations' interests.

CARRIED

Staff have attached the following for LTC consideration:

1. Staff Report for August 15, 2014 LTC meeting, including K'omoks First Nation referral response
2. Staff Report for July 17, 2015 LTC meeting, including the Ministry's response to K'omoks First Nation
3. Memorandum for July 17, 2015 LTC meeting

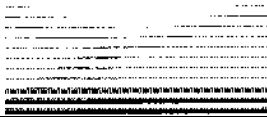
NEXT STEPS

Should the LTC choose to undertake any work as a result of reviewing the above-noted attachments, the LTC should consider adjustments to the current work program.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	October 24, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 24, 2017

ATTACHMENTS

1. Staff Report for August 15, 2014 LTC meeting, including K'omoks First Nation referral response
2. Staff Report for July 17, 2015 LTC meeting, including the Ministry's response to K'omoks First Nation
3. Memorandum for July 17, 2015 LTC meeting



STAFF REPORT

Date: July 30, 2014 **File No.:** HO-OCP- 2009.1

To: Hornby Island Local Trust Committee
For Special Meeting of August 15, 2014

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Hornby Island Official Community Plan Review

PROBLEM/ISSUE:

Staff received a late referral submission from the K'omoks First Nation wherein they requested that changes be made to proposed Bylaw No. 149 prior to its adoption.

BACKGROUND:

At the July 18, 2014 meeting the Hornby Island Local Trust Committee (LTC) adopted the following resolutions:

HO-2014-039,

That the Hornby Island Local Trust Committee give second reading to Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014".

HO-2014-040,

That the Hornby Island Local Trust Committee give third reading to Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014".

HO-2014-041,

That the Hornby Island Local Trust Committee submit Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014" to the Minister of Community, Sport and Cultural Development for approval.

On the same day, but subsequent to the LTC meeting, a referral response was received in the Northern Islands Trust office from the K'omoks First Nation (KFN) requesting a number of changes to proposed Bylaw No. 149 (see attachment). The response was received after the close of the public hearing; however, staff consider it necessary to present the information to the LTC. It is the view of staff that the proposed amendments, while minor in nature in terms of impact, would trigger the requirement to hold a further public hearing.

STAFF COMMENTS

In discussions with the Director of Local Planning Services staff concluded that the Minister of Community, Sport, and Cultural Development must be made aware of the submission from the KFN when the bylaw is referred to the Ministry for approval. It was also agreed that it is unlikely

that the bylaw would receive Ministerial approval without any identifiable action taken to address the KFN comments and concerns.

Staff has reviewed the five specific points raised by the KFN and is confident that the necessary changes can be made to the bylaw without impact upon the intent or implementation of Proposed Bylaw No. 149, the Official Community Plan bylaw or Proposed Bylaw No. 150, the Land Use Bylaw.

SUMMARY

A late bylaw submission has been received from the KFN with respect to proposed Bylaw No. 149. It is the view of staff that the proposed amendments, while minor in nature in terms of impact, would trigger the requirement to hold a further public hearing. It is also the opinion of staff that the absence of identifiable actions taken to consider and address the KFN concerns limits the chances of the proposed bylaw receiving Ministerial approval.

RECOMMENDATIONS

It is the recommendation of staff:

1. That third reading of Bylaw No. 149 be rescinded.
2. That Bylaw 149 be amended at second reading as follows:
 - A. Section 1.4 "Historical Perspectives" of Schedule 'A' be amended by the deletion of the two paragraphs at the bottom of page two and the two paragraphs at the start of page three.
 - B. That Section 2.1 "Broad Community Objectives" of Schedule 'A' be amended by the addition of a new community objective, "To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters." Immediately above the last objective.
 - C. That Policy 3.7.2 of Section 3.7 "Heritage Features" of Schedule 'A' be amended by deleting the word, "should" and replacing it with the word, "shall".
 - D. That Section 4.3, "Mariculture" of Schedule 'A' be amended by the addition of an "Information Note" below the "Background" section which reads as follows:

"Regulation of First Nation activities related to aquaculture within foreshore areas surrounding Hornby Island is beyond the jurisdiction of the Islands Trust."
3. That amended Bylaw No. 149 proceed to a public hearing to be held on September 19, 2014.

Prepared and Submitted by:

Rob Milne

Rob Milne
Island Planner

August 6, 2014

Date

Concurred in by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Acting Regional Planning Manager

August 6, 2014

Date

Attachments:

1. K'omoks referral response

STAFF REPORT

Date: June 24, 2015 **File No.:** HO-OCP- 2009.1

To: Hornby Island Local Trust Committee
For Meeting of July 17, 2015

From: Rob Milne, Island Planner

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: Hornby Island Official Community Plan Review

Issue:

To review the outcomes of the Ministry of Community, Sport and Cultural Development consultation with the K'omoks First Nation subsequent to changes made to Bylaw No. 149 in response a letter from K'omoks First Nation received on July 18, 2014.

BACKGROUND:

On July 18, 2014 a late referral submission (Attachment 1) was received from the Komok's First Nation on the same day as, but subsequent to, the regular meeting of the Hornby Island Local Trust Committee (LTC) at which the LTC adopted motions to give third reading to proposed Bylaw No. 149 and to submit the bylaw to the Minister of Community, Sport and Cultural Development for approval. That submission requested that some changes be made to the proposed Bylaw No. 149 prior to its adoption.

Subsequent to the receipt of that letter a Special Meeting of the LTC was held on August 15, 2014 to review and discuss a staff report. The staff report advised the LTC of the receipt of information subsequent to the close of the public hearing for the bylaw and recommended that the LTC should consider the information notwithstanding the fact that consideration of the material would require a new public hearing on the bylaw. After consideration of the matter, the LTC adopted the following motion.

HO-2014-045

that the Hornby Island Local Trust Committee receive the additional information in respect to proposed Bylaw No.149.

Sealed envelopes containing copies of a staff report dated July 30, 2014 regarding the late referral submission were then distributed to the LTC members for review and discussion. It was the recommendation of the staff report that the third reading of Bylaw No.149 be rescinded and that the bylaw be amended at second reading. Subsequent to the LTC review the following motions were adopted.

HO-2014-046

that the Hornby Island Local Trust Committee rescind third reading of

proposed Bylaw No.149.

HO-2014-047

that the Hornby Island Local Trust Committee amend proposed Bylaw No.149 at second reading as follows:

- A. Section 1.4 "Historical Perspectives" of Schedule 'A' be amended by the deletion of the two paragraphs at the bottom of page two and the two paragraphs at the start of page three.
- B. That section 2.1 "Broad Community Objectives" of Schedule 'A' be amended by the addition of a new community objective, "To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters." Immediately above the last objective.
- C. That Policy 3.7.2 of Section 3.7 "Heritage Features" of Schedule 'A' be amended by deleting the word, "should" and replacing it with the word, "shall."
- D. That Section 4.3, "Mariculture of Schedule 'A' be amended by the addition of an "Information Note" below the "Background" section which reads as follows:

"That the Hornby Island Local Trust Committee does not have the authority to regulate First Nations aquaculture activities related to aboriginal rights."

HO-2014-048

that the Hornby Island Local Trust Committee direct that the amended proposed Bylaw No. 149 proceed to a public hearing to be held on September 19, 2014.

Proposed Bylaw No. 149 was then re-referred to MCSCD for additional review prior to adoption of the bylaw.

On February 18, 2015 staff received email correspondence from the Ministry advising that they had completed their internal review and had been advised by the Ministry of Justice that there were concerns related to the wordings of some of the proposed OCP changes. These changes related to Section 3.7, "Heritage Features" and Section 4.3 "Mariculture".

Staff worked with Ministry staff to develop more acceptable wordings which were then submitted to the Ministry of Justice and were approved. On May 25th, 2015 MCSCD sent a letter to the Komok's First Nation (Attachment 2), as part of their due diligence requirement, summarizing the actions the LTC has taken to address their concerns, including the proposed revised wordings to sections 3.7 and 4.3. In that correspondence the Ministry requested a response within 21 days of receipt of the letter.

ISSUES SUMMARY:

The Ministry of Justice had concerns about two wordings in Bylaw No. 149 relating to Sections 3.7 and 4.3. These concerns also reflect concerns expressed in the July, 2014 letter from the Komok's First Nation. Staff worked with MCSCD staff to develop wordings acceptable with the Ministry of Justice and which were subsequently presented to the Komok's First Nation as part of the provincial duty to consult. No comments were received by the Ministry in the 21 day response period identified by the Ministry.

The current wording in Bylaw 149 for section 3.72 is as follow:

3.7.2 Development shall be located away from areas of known archaeological sites wherever possible until an archaeological assessment has been done and suitable management options are developed.

The wording subsequently approved by the Ministry of Justice reads as follow:

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

The concern with Section 4.3 related to the information note following that section which currently reads as follow:

NOTE: The Hornby Island Local Trust Committee does not have the authority to regulate First Nations aquaculture activities related to aboriginal rights.

The proposed revised wording which has been approved by the Ministry of Justice reads as follows:

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

STAFF COMMENTS:

Staff has worked with provincial staff to arrive at wordings which satisfy the provincial Ministry of Justice. These wordings, which can be considered to be minor in nature, have been provided to the Komok's First Nation for their review as part of the province's duty to consult with First Nations. No comments were received from the Komok's First Nation.

MCSCD staff has confirmed that the LTC is now in a position where they can move forward with the approval process for Bylaw No. 149. This would involve rescinding third reading, amending the bylaw at second reading to incorporate the two wording changes and then giving the bylaw third reading. Given the minor nature of the changes, the LTC can waive the public hearing.

RECOMMENDATIONS:

THAT the Local Trust Committee:

1. Rescind second reading of Hornby Island Official Community Plan Bylaw No. 149, 2014;
2. Amend Hornby Island Official Community Plan Bylaw No. 149, 2014 by
 - a. Deleting current Section 3.72 and replacing it with the following text;
“3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.” and
 - b. Deleting the current note following Section 4.3, “Mariculture” and replacing it with the following text:
“NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations’ interests in aquaculture may be affected.”
3. Giving the Hornby Island Official Community Plan Bylaw No. 149, 2014 third reading as amended; and
4. Waive the public hearing and post notice of further consideration of the bylaw at the August 14, 2015 regular meeting of the LTC as per Section 893 of the *Local Government Act*.

Prepared and Submitted by:

Rob Milne

June 24, 2015

Rob Milne
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Acting Regional Planning Manager

June 24, 2015

Date

Attachments:

1. Komok’s referral submission
2. MCSCD letter to Komok’s First Nation
3. Proposed OCP Bylaw No. 149



K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

July 10, 2014

Mr. Rob Milne, Island Planner
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Dear Mr. Milne,

Re: Proposed Bylaws to replace the current Hornby Island Official Community Plan No. 86, 1993

Thank you for your recent referral of the proposed Hornby Island Land Use Bylaw No. 150, 2014 and the proposed Hornby Island Official Community Plan Bylaw No. 149, 2014.

We have reviewed available documentation on these bylaws and note the following:

Section 1.4 Historical Perspectives: the information contained in this section pertaining to Pentlatch First Nation and the interests of other Nations with respect to Hornby Island is incorrect. The two paragraphs at the bottom of page 2 and the two paragraphs at the start of page 3 must be removed from the document. We would be prepared to work with staff from the Islands Trust on this section of the Official Community Plan to correct these inaccuracies.

Section 2.1 Broad Community Objectives: it is noted that none of the objectives refer to the Rights and Title of First Nations and/or encouraging a relationship with Nations with interests in Hornby Islands and the surrounding waters.

Section 3.7 Heritage Features: this section must be reworded to emphasize that legislation is in place that prohibits any disturbance of found archaeological sites instead of the permissive wording stated in Policy 3.7.2 ("development *should* be located...").

Throughout the Plan - statements relating to aquaculture: This letter provides notice that no actions, bylaws, or policies adopted by the Islands Trust can impede the Nation's current or planned activities relating to aquaculture or our Rights and Title relating to fishing and aquatic harvesting.

KFN Treaty Process: There are lands on Hornby Island that are subject to current Treaty discussions. This process is ongoing and the recognition of the Nation's Rights and Title on the Island should be specifically noted in the Official Community Plan.

In general, our concerns with these documents focus on the protection of culturally sensitive areas and traditional use sites, and the impact of development on existing and potential aquaculture operations held by the K'ómoks First Nation. Hornby Island and the surrounding waters are within the Traditional Territory of K'ómoks First Nation and finding artefacts, evidence of cultural uses, or previously unknown archaeological sites remains a strong possibility. We retain the right to raise objections or proceed with necessary actions if any cultural use or archaeological sites are identified or if we discover impacts on

our rights or interests we have not foreseen with respect to any works conducted or authorized by the Islands Trust.

By this letter we provide notification that no bylaw, policy, or regulation can impact the Rights and Title of K'ómoks First Nation. K'ómoks First Nation has fished, hunted, and harvested in these lands in our Traditional Territory since time immemorial and fully intends to continue with these activities on lands under our jurisdiction. Our membership has recently signed an Agreement in Principle relating to the Treaty Process, and as such K'ómoks First Nation has moved to a higher level and spectrum of consultation and accommodation with regards to matters relating to lands and waters in our Traditional Territory. Our interests cannot be in any way hampered or limited.

The Supreme Court of Canada made it clear that both the provincial and federal governments owe a fiduciary duty of utmost good faith to consult with the First Nations with respect to our lands and resources. This consultation must at minimum be in good faith with the intention of substantially addressing the concerns of the First Nation whose lands are at issue. The courts have also confirmed that government is obliged to make an initial assessment of our rights and must not only engage in meaningful consultation but also must seek an accommodation of our interests which include cultural and economic ones.

Thank you for this referral and we look forward to future discussions with the Islands Trust.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Everson', written over a large, faint, oval-shaped stamp or watermark.

Robert Everson
Chief Councillor



Ref: 158290

May 25, 2015

Chief Councillor Robert Everson and Council
K'omoks First Nation
3330 Comox Road
Courtenay, BC
V9N 3P8

Dear Chief Councillor Robert Everson and Council,

I am writing to let you know that the proposed Islands Trust bylaw 149 to update the official community plan (OCP) for Hornby Island and surrounding waters is proceeding through the Islands Trust approval process. The Ministry of Community, Sport and Cultural Development (the Ministry) will be asked to approve the bylaw before it can be adopted by the Islands Trust.

An OCP is a guiding policy framework for local planning and land use decisions. This framework broadly directs local government priorities and investments.

In line with the Island Trust's mandate, the proposed Hornby Island OCP articulates a vision for the island and surrounding waters (see map attached as Appendix A), with broad planning and land use policies aimed both at striking a balance between preservation of the natural environment and development, and at preserving the character of the community while providing for its members in a manner that does not overburden the Island's limited resources. It should be noted that the proposed OCP only represents a partial update of the existing OCP from 2002, rather than a revision of the entire document.

Before deciding whether to approve a bylaw, the Minister will consider whether the decision has the potential to impact Aboriginal interests, and whether consultation has been completed at the appropriate level.

Under s. 879 of the *Local Government Act*, the Islands Trust is responsible for engaging entities, including First Nations, who may be affected by an official community plan. The Ministry has reviewed the Islands Trust's record of engagement with the K'omoks First Nation. We understand that the Islands Trust provided the K'omoks First Nation with an opportunity to comment on the OCP in March 2014, that the K'omoks First Nation raised some concerns in July 2014, and that the Islands Trust responded to those concerns and provided another opportunity to comment in August 2014.

In response to the concerns of your First Nation, we understand the Local Trust Committee passed a resolution to *"focus on relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests."*

We also understand the Local Trust Committee has made, or will be considering, the following changes to the OCP in response to the concerns of the K'omoks First Nation:

1. Section 1.4 Historical Perspective: Four paragraphs were deleted as requested. In its August 15, 2014 letter Islands Trust offered to work with you to improve the content of these paragraphs. I understand that no response was received from K'omoks First Nation.
2. Section 2.1 Broad Community Objectives: a new objective was added: *"To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters."*
3. Section 3.7 Heritage Features: consideration will be given to amending Policy 3.7.2 to state: *"Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act."*
4. Section 4.3 Mariculture: consideration will be given to adding a note stating: *"Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected."*

The Province is of the view that the above changes and proposed changes address the concerns raised by K'omoks First Nation. Given the high level policy scope of the Hornby Island OCP, it is our preliminary assessment that this OCP is unlikely to result in any adverse impacts on your Aboriginal interests.

A copy of the current draft of the proposed OCP bylaw is available on the Islands Trust website (<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/projects-initiatives/ocp-and-lub-review.aspx>) but please note that it does not reflect all of the above proposed changes, since some (items 3 and 4) will be considered by the Local Trust Committee in due course.

We would like to provide you with an opportunity to comment on the above proposed changes and the rest of the Hornby Island OCP before the Minister considers whether to approve the bylaw. If you have additional information that is important for us to understand, or if you would like to meet to discuss your First Nation's interests related to this bylaw, we would appreciate hearing from you within 21 days from receipt of this letter. If the Ministry does not hear back from you during that period, we will consider consultation to have been concluded. I can be reached by telephone (250-387-4071), or by email (Eric.Nicholls@gov.bc.ca).

Chief David Bob, Jr. and Council
Page 3

Thank you for your consideration of this letter.

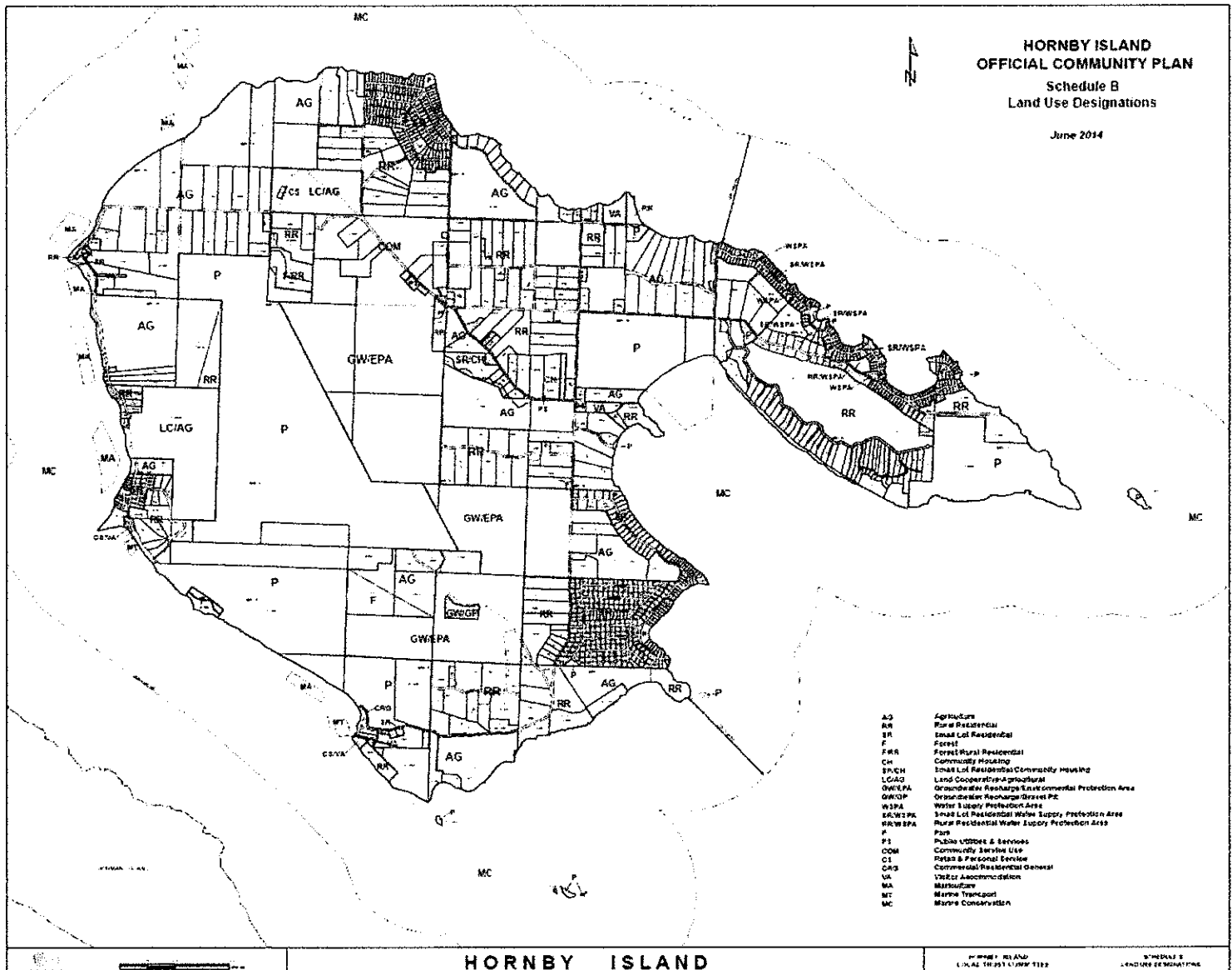
Sincerely,

A handwritten signature in cursive script that reads "Eric Nicholls". The signature is written in black ink and is positioned below the word "Sincerely,".

Eric Nicholls
Senior Planning Analyst
Intergovernmental Relations and Planning Branch

Appendix A

Proposed Hornby Island Official Community Plan – Land Use Designations





Late Item 12.2.1.1
Memorandum

700 North Road Gabriola Island BC V0X 1X3

Telephone (250) 247.2203 FAX: (250) 247.7514

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

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

Date: July 6, 2015

File No.: HO-OCP- 2009.1

To: Hornby Island Local Trust Committee
For meeting of July 17, 2015

From: Rob Milne, Island Planner

Re: Bylaw No. 149 - Staff Report Update.

Problem/Issue

Staff received an email from staff with the Ministry of Community, Sport and Cultural Development today (Attached). In the correspondence and a follow-up phone call to the Ministry, staff was advised that the Ministry has been "closing the loop" with referral agencies to whom Bylaw No. 149 had been referred to ensure that any concerns had been addressed. This process, surprisingly, did not begin until very recently when the Ministry determined that their duty to consult with the Komok's First Nation had been addressed.

The only agency who would like to see additional changes made to the proposed bylaw is the Vancouver Island Health Authority (VIHA), as noted in the email correspondence from Heather Florence which is contained within the attachment. Staff contacted Ms. Florence by telephone and as an outcome of that discussion she has advised that VIHA would be satisfied with the inclusion of two information notes, one each after the "Background" portions of Section 4.5, "Water" and Section 5.1, "Water Supply Systems" to read, respectively, as follows.

Section 4.5, Water

"Note- All shared (commercial and public) wells, cisterns or water supply infrastructure must comply with the requirements of the BC *Drinking Water Protection Act*."

Section 5.1, Water Supply Systems

"Note- The Vancouver Island Health Authority (VIHA) will not monitor public water supplies for compliance with the BC Drinking Water Protection Act. Ensuring compliance with this Act is the responsibility of the water supplier with oversight by Island Health Authority."

The inclusion of these two notes would not trigger the requirement for a public hearing. *It is the suggestion of staff that the Local Trust Committee give consideration to this memorandum prior to consideration of agenda item 12.2.1.*

Recommendations

It is the recommendation of staff that recommendation Number 2 of the staff report dated June 24, 2015 which is item 12.2.1 on the July 17, 2015 regular agenda be amended by the addition of points "c." and "d." which read as follows

- c. Adding an information note directly following the "Background" section of Section 4.5, "Water" which reads as follows:

Note- All shared (commercial and public) wells, cisterns or water supply infrastructure must comply with the requirements of the BC Drinking Water Protection Act.”

- d. Adding an information note directly following the “Background” section of Section 5.1, “Water Supply Systems” which reads as follows:

Note- The Vancouver Island Health Authority (VIHA) will not monitor public water supplies for compliance with the BC Drinking Water Protection Act. Ensuring compliance with this Act is the responsibility of the water supplier with oversight by Island Health Authority.”

Attachment- MCSCD email

Hi Rob,

Hope you had a good and long weekend.

Following up on our conversation 2 weeks ago, I was working to close the loop with both MOTI and VIHA on their comments about the Hornby OCP. I confirmed with MOTI that they have not outstanding concerns.

VIHA's response is immediately below, and as you will see they only have outstanding concerns in a couple of areas – and I think these can be relatively easily addressed. Thoughts?

Florence is happy to work with you if you have any questions about her comments.

Let me know if you have any questions. Thanks,

Eric

From: Florence, Heather [<mailto:Heather.Florence@viha.ca>]
Sent: Friday, July 3, 2015 2:21 PM
To: Nicholls, Eric CSCD:EX
Cc: [REDACTED]
Subject: Island Health comments on Hornby Island OCP bylaw

Hi Eric- thanks for following this up.

Ideally our comments would have been included as they clarify requirements under provincial legislation, thus reducing frustration for the public in trying to make sense of what is expected of them. However, the fact that they are not included does not make the requirements any less applicable or enforceable.

There are a few comments that were not included, however, that could lead to major financial setbacks for individuals developing property in compliance with the OCP bylaw, namely those that pertain to the creation of water supply systems (4.5, 4.5.14 (shared cisterns etc), and policies 5.1.8 and 5.1.9 (shared and commercial wells). Compliance with the BC DWPA can be extremely challenging for small water systems without the required technical and financial wherewithal. There are requirements in terms of water system infrastructure, water quality, water treatment and disinfection, operator training, testing, public reporting. It is strongly recommended that it be clarified that shared wells/cisterns/water supply infrastructure results in having to comply with the DWPA. This may help to avoid the creation of shared water systems where the owners are unaware of the associated legal requirements. As well, it should be clarified (5.1) that VIHA will not monitor public water supplies as this is a responsibility of the water supplier- we simply provide education (and if necessary enforcement) to ensure that this is done.

Please let me know if you need anything further.

Thank you

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