

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

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

**PRESENT:** David Graham                      Chair  
                  Tony Law                              Local Trustee  
                  Alex Allen                                Local Trustee  
                  Katherine Vogt                            Recorder

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

**1.     CALL TO ORDER**

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

**2.     APPROVAL OF AGENDA**

There was no agenda for this meeting.

**3.     OPENING REMARKS FROM THE CHAIR**

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

**4.     OPENING REMARKS FROM TRUSTEE LAW**

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

**5. FURTHER REMARKS FROM CHAIR GRAHAM**

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

**6. OPENING REMARKS FROM TRUSTEE ALLEN**

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

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

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

**7. FURTHER REMARKS FROM TRUSTEE LAW**

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

**8. TOWNHALL SESSION INTRODUCTION FROM THE CHAIR**

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

9. **TOWNHALL SESSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**10. ADJOURNMENT**

Chair Graham adjourned the meeting at 3:05 pm.

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Recorder

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Chair