

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:15 PM, AUGUST 3, 2011
IN THE NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT: Louise Bell Chair
Fred Hunt Local Trustee
Tony Law Local Trustee
Marnie Eggen Planner 1
David Marlor Director, Local Planning Services
Vicky Bockman Minute Taker

There were eighteen (18) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:24 pm. She welcomed the public and acknowledged that the meeting is taking place in the traditional territory of the Coast Salish First Nations. She introduced the Local Trustees, Islands Trust Planner, Director of Local Planning Services and Minute Taker.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus, with the following amendments:

- Add item 13.4.2, Expenses Posted to July 26, 2011
- Add item 14.3, Tribune Bay – Discussion of Adjacent Property
- Add item 14.4, Greenhouse Gas Emissions Communications

3. MINUTES

3.1 Local Trust Committee Community Information Meeting Notes dated June 29, 2011

The minutes were adopted by consensus, with the following amendments:

- Page 2, item 2.2, seventh paragraph, first line: insert the text “purported” before “election platform”
- Page 3, eighth paragraph, third line: replace “ensure there is adequate” with the text “monitor availability of “

3.2 Local Trust Committee Public Hearing Record dated June 28, 2011

Received.

3.3 *Local Trust Committee Meeting Minutes dated June 29, 2011*

The minutes were adopted by consensus, with the following amendments:

1. Page 3, fourth paragraph: change the text “participated in” to “chaired a”
2. Page 3, sixth paragraph, first line: change the text “Trust Hunt” to “Trustee Hunt”
3. Page 5, item 10.1.1, first paragraph, fifth line: change the text “recital E” to “Article E”
4. Page 13, last line: add a comma after the text “basis” and before “the community”
5. Page 14, resolution HO-056-2011, third line: remove the text “as amended”
6. Page 16, second paragraph, first line: change the text “Riparian Area Regulations” to “Riparian Areas Regulation”
7. Page 16, second paragraph, second line: change the text “potentially fish and non fish-bearing aspects” to “potentially fish bearing and fish bearing water courses”
8. Page 16, item 13.4, first paragraph, last sentence: change text to read “She said that she will be suggesting that aquaculture not be included as a permitted use in areas outside of the existing shellfish tenures.”
9. Page 17, first paragraph, second line: change text from “on Winchelsea Islands” to “on South Winchelsea Island”
10. Page 17, item 15.1, first bullet: insert the text “proposed” before “Bylaws 142 and 143”
11. Page 18, fourth paragraph second line: insert the text “on proposed Bylaws 142 and 143” after “provide information”

3.4 *Section 26 Resolutions Without Meeting*

None.

3.5 *Advisory Planning Commission Minutes*

None.

4. **BUSINESS ARISING FROM MINUTES**

4.1 *Follow-up Action List dated July 26, 2011*

Planner Eggen provided updates to the Follow-up Action List dated July 26, 2011.

4.2 *Meeting with K’omoks First Nation*

The possible meeting date of September 12, 2011 with the Denman Island Local Trust Committee and the K’omoks First Nation was discussed. It was the consensus that the Hornby Island Local Trust Committee was agreeable to the proposed date. Chair Bell stated that she would discuss the matter with members of the Denman Island Local Trust Committee and will relay the outcome of that discussion to Planner Eggen for response to the K’omoks First Nation.

5. **CORRESPONDENCE**

None

6. **TRUSTEES' REPORT**

Trustee Hunt stated that the Islands Trust bulletin board on the Co-op porch has been revamped and is back up and functioning again. He reported on the cost for the project which is now complete.

Trustee Hunt said that on July 26, 2011 he attended an Islands Trust Executive Committee meeting in Victoria where the Hornby Island proposed bylaws concerning vacation home rentals were discussed. He reported on the process and stated that the Executive Committee approved the proposed bylaws unanimously at that meeting.

Trustee Law reported that he attended the July 26, 2011 Executive Committee meeting by telephone and expressed his appreciation to Chair Bell for her clear articulation of the proposed bylaws and understanding of the community. He said that proposed Bylaw 142 has now been forwarded to the Minister of Community Sport and Cultural Development for approval.

Trustee Law gave a report on BC Ferries matters, stating that a three-week closure of ferry service for dock repairs has now been established with a beginning date of mid-October. He said that there will be two open houses on this subject which will be advertised and will provide opportunities for the public to speak to specific questions or concerns they have about the closure. He also reported on communications with the new BC Ferry Commissioner and an upcoming meeting with Ferry Advisory Committee Chairs.

7. **CHAIR'S REPORT**

Chair Bell explained the role of the Executive Committee in considering bylaws and reported on the business conducted at Executive Committee meetings held last month. She said that these meetings included approval of proposed amendments to Official Community Plans and Land Use Bylaws for Hornby, Gabriola and Galiano Islands. Chair Bell added that the Executive Committee also considered numerous pieces of correspondence relating to Islands Trust matters and reviewed the progress and future timeline on the series of videos being prepared on the Islands Trust.

8. **BYLAWS**

8.1 *Proposed Bylaw No. 141 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010"*

Planner Eggen stated that staff has received correspondence relating to the proposed bylaw and confirmed that no new information has been received since the public hearing.

Chair Bell reported that the Covenant and Statutory Right of Way for the proposed bylaw have been accepted for registration at the Victoria Land Title Office.

Trustee Hunt summarized the history of the proposed amendment and outlined the procedural steps leading to the consideration of adoption of proposed Bylaw 141. He said that he appreciated the type of organized expression of interest that was represented by those attending today's meeting.

Trustee Law articulated the reasons that he has been open to considering this proposal. He stated that the two-year process is reflective of the time the Local Trust Committee has taken to solicit public input and to strengthen requirements in order to reflect the community's concerns about the property.

HO-066-2011

It was **MOVED** and **SECONDED** that proposed Bylaw No. 141 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010" be adopted.

CARRIED

Trustee Law acknowledged the degree of community interest and stated that the Local Trust Committee has worked diligently to attempt to reflect that interest in the proposed bylaw. He added his appreciation for the applicant's cooperation during this process.

Chair Bell explained, for the benefit of the members of the public in attendance, the process and rationale for post public hearing guidelines as set out in the Local Government Act.

Trustee Hunt noted that the Hornby Resort is in a Development Permit Area and that prior to proceeding with development the Local Trust Committee must be satisfied that it meets the guidelines for form and character for development which are identified in the Official Community Plan. He confirmed that the Local Trust Committee will work to ensure that these are considered in order to be consistent with the Hornby style, ethic and character.

9. DELEGATIONS

None.

10. TOWN HALL SESSION

Comments were made concerning the proposed Hornby Island Resort as follows:

Wendy Burke stated that she is concerned with the water that will be used and expressed her opinion that even with water catchment there is not enough water on Hornby to support this development.

Maureen Smith asked what information the Trust had received to indicate that there was sufficient water for the development. She questioned whether the capacity of the aquifer was sufficient to support the proposed use.

John Cooper asked if Islands Trust had personnel to evaluate and confirm the water report provided by the professional engineer. He said that he has been objecting to the density of this proposed density for two years and questioned the justification for this development in an area that has water problems.

Director Marlor responded, saying that the Islands Trust staff does not include an engineer or person with other qualifications for this work, and that staff rely on the professional's report provided by applicant.

John Howard said that he wanted to learn more about the septic aspect of the system being proposed. He noted that professionals had suggested additional site evaluations be conducted and that the report concluded that the subsoil was shallow. He asked if the monitoring had been completed and if so, what the result was. He added that a professional engineer has the responsibility to ensure that the project complies with sewage regulations.

Cathie Howard expressed her objection that a second public hearing had not been held. She said that this approval is opening the door for commercial development on Hornby, that the project is too big, and that the difficult septic situation is well known. She asked that the Local Trust Committee take this into account during the development permit phase.

Sheila Farrington asked if the water and sewage engineering reports were available for the public to view. She asked what the opportunities are for public input in the development permit application process. She asked who defines what is considered "new information" and stated her opinion that it would be beneficial for the Local Trust Committee to define what they consider as new. She asked if the meaning of "new information" is clearly defined anywhere.

Director Marlor responded, outlining the meaning of the term "new information", as used in this context.

Michelle Easterly stated her objection to the proposed development's density, use of water and increased sewage at Shingle Spit which she said is the most vital part of Hornby Island. She expressed her opinion that the Islands Trust cannot ensure that wells will not run dry as a result of this development. She stated her objection to the process that did not allow a petition to be added to today's agenda as late information and asked if Planners had been advised of the petition. She objected to third reading having been given at a meeting on Denman Island and expressed her opinion that the minutes did not accurately reflect her objection to the development. She said that she does not understand what constitutes new information.

William Thomas said that he strongly objects to the process and bringing this reading forward. He asked if the information regarding density had been provided to the public during the process and expressed his opinion that people are opposed now that they understand the implications of water and density.

John Ross, the proponent, provided an overview of the government guidelines for daily water usage per person, multiplied by the number of people per unit and the number of units. He then provided the output of the well and said that it produces an adequate flow for the estimated usage. He added that there would be a water catchment cistern and that low-water use fixtures would be installed. He explained that the water shortage problems in the past were due to old washing machines that used 43 gallons per load.

Trustees Law and Hunt, Chair Bell, Planner Eggen and Director of Local Planning Services Marlor responded to the concerns and answered questions that had been raised by those addressing the topic of the Hornby Island Resort in the Town Hall Session.

Janet LeBlancq said that she is happy that the Local Trust Committee is taking a proactive approach to enhance the relationship with the K'omoks First Nation, whose name for Hornby Island is Jai Dai Aich, and means The Outer Island.

Karen Ross commended the Local Trust Committee for showing leadership in a difficult year of hearing from people with a wide diversity of opinions and for obtaining the approval of the vacation home rental bylaw from the Executive Committee.

Sheila Farrington asked for clarification about flexibility during Town Hall Sessions and asked if agendas can describe how or when it is appropriate for people to speak.

Trustee Law stated the Town Hall Session is the opportunity for people to speak to items on the agenda or about any item concerning the Islands Trust.

Chair Bell thanked the audience for their Town Hall input today and said that if members of the public wish to review reports concerning the Hornby Island Resort development, the Islands Trust Gabriola Island Office can be called to request copies.

Chair Bell recessed the meeting at 2:36 pm and reconvened the meeting at 2:53 pm.

11. APPLICATIONS AND PERMITS

None.

12. LOCAL TRUST COMMITTEE PROJECTS

None.

13. REPORTS

13.1 Islands Trust Council – Strategic Plan 2008 – 2011 updated May 24, 2011

Chair Bell commented that it was her understanding that this report was to be received on a quarterly basis. Planner Eggen stated that she will follow up on this.

*13.2 Work Program Reports
Top Priorities Report and Projects List Report dated July 26, 2011*

Planner Eggen reviewed the Top Priorities Report and Projects List dated July 26, 2011.

13.3 *Applications Log - Report dated July 26, 2011*

Planner Eggen presented the Applications Log Report dated July 26, 2011 and stated that there is no new information to report.

Trustee Hunt requested inclusion of landowner names in the Applications Log file information in the future to help Trustees identify the subject properties.

13.4 *Trustee and Local Expenses*

13.4.1 *2012/13 Budget Preparations*

There was discussion regarding the 2012/2013 budget preparations with consideration of items to be considered as Top Priorities.

HO-067-2011

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to provide a draft budget breakdown of Official Community Plan and Land Use Bylaw review and Riparian Areas Regulation program items for 2012/2013.

CARRIED

13.4.2 *Expenses Posted to July 26, 2011*

Planner Eggen reported that the Finance Officer has requested Local Trust Committee expenses be split among the sub categories for the 2011/2012 fiscal year. Discussion followed to identify needs for the various categories.

HO-068-2011

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee expenses for the 2011/2012 fiscal year be distributed as follows:

- 65200 \$3,200
- 65210 \$300
- 65220 \$400
- 65230 \$500
- 65240 \$200

CARRIED

14. NEW BUSINESS

14.1 *HO-NAP-2011.3 (Fischer-Natural Area Protection Tax Exemption Program) Memorandum dated August 3, 2011*

The Memorandum dated August 3, 2011 was received for information.

Trustee Hunt noted that the memorandum heading should read "Fischer property".

There was discussion regarding the difficulty of identifying the proposed covenant areas boundary lines on the maps of the property which were provided in black and white with the memorandum.

The Local Trust Committee requested staff to photocopy these maps, which reference red outlines, either in colour or in some other way so the boundaries are clearly differentiated for future reports.

14.2 *HO-NAP-2011.4 (Knott-Natural Area Protection Tax Exemption Program) Memorandum dated August 3, 2011*

The Memorandum was received for information, and it was noted that the memorandum heading should read "Knott property".

14.3 *Tribune Bay – Discussion of Adjacent Property*

Trustee Law presented information regarding the Scott property which is adjacent to the southern boundary of Tribune Bay Provincial Park. He reported that the property is for sale and said that development of this property could seriously compromise the view-scape, ambiance and character of the Park. He stated that the owner has expressed interest in the property being acquired by BC Parks as a preferred option.

Discussion followed regarding the possible role of the Local Trust Committee and potential actions to take. Trustee Law provided a review of relevant policies in the Hornby Island Official Community Plan which would support consideration of protection of the property.

The Local Trust Committee endorsed by consensus the proposal that Trustee Law facilitate a meeting with appropriate parties to explore options to conserve the property.

14.4 *Greenhouse Gas Emissions Communications*

Trustee Law reported that he and Trustee Hunt are continuing to work on the Greenhouse Gas Emissions Communications project, stating that they would like to have it be a collaborative, community-based process.

Trustee Hunt stated that a presentation date of September 24, 2011 might be appropriate as that is the date that Moving Planet is holding a worldwide rally to bring attention to climate change and to propose solutions.

15. ISLANDS TRUST WEBSITE

15.1 *Hornby Page*

The following additions were requested for the Hornby Page of the Islands Trust website:

- Retain the Hornby Resort application information on the website for another month
- Post the professional and/or technical reports that were a part of the application under the Hornby Resort application as a separate entry
- Add August Latest News and post the status of the proposed vacation home rental Bylaws 142 and 143 including a notation that it is post public hearing, the date approved by the Executive Committee, and that the bylaw is awaiting Ministerial approval. Planner Eggen stated she would follow through on providing this information for website posting.

16. NEXT MEETING DATE

The next meetings will take place as follows:

- Special Business Meeting – Sunday, August 7, 2011 at 10:00 am in Room to Grow, Hornby Island Community School, 2100 Sollans Road, Hornby Island, BC
- Regular Business Meeting – Wednesday, August 31, 2011 at 12:15 pm at Joe King Clubhouse, Central Road, Hornby Island, BC

17. ADJOURNMENT

The Chair adjourned the meeting at 3:37 pm

Chair

Minute Taker