



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date:	August 14, 2015
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	Rob Milne, Island Planner Vicky Bockman, Recorder
Others Present	Approximately seventeen (17) members of the public - am Approximately six (6) members of the public - pm

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:32 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed the public and introduced herself, Trustees, Island Planner and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.1 Letter dated August 11, 2015 from Minister Todd Stone re: BC Ferries and Hornby Island
- 9.2 Letter dated August 11, 2015 from John Grayson, Hornby Island Estate Winery and Farm re: Hornby Island Land Use Bylaw No. 150 (proposed)
- 9.3 Email dated August 9, 2015 from Bernhard Weiss re: Decontamination of Fire Fighting Gear and Apparatus and RAR
- 12.9 Trust Fund Board Verbal Report
- 13.1 Climate Change Leadership
- 13.2 Letter dated August 11, 2015 from T. Ian Smith, Comox Valley Regional District (CVRD) re: Hornby Fire Hall Project Development Permit

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Mary MacKenzie, speaking on behalf of Hornby Water Stewardship, noted that the Hornby Island watershed, groundwater and storage, including the collection of rainwater, needs to be acknowledged as the island's infrastructure/system for water distribution in order to apply for funding for protection and to develop above-ground storage. She requested that the Trust promote and enable rainwater collection and storage in the Trust area and create a policy of subsidy and enforcement that includes a position that no development permit be issued without a water harvesting plan.

Ellen Leslie, speaking on behalf of Hornby Water Stewardship, acknowledged the importance of research and up-to-date information on all aspects of water resources and asked that the Trust support the gathering of information to be used in planning decisions regarding water quantity and quality.

Trustees noted several avenues that the Local Trust Committee (LTC) will be considering to address this issue including the review of approaches to ground water protection and water conservation, currently on the Projects List, discussion of water in the Strategic Planning process, and potentially through advocacy efforts involving the provincial Climate Change Leadership Discussion Paper.

4. COMMUNITY INFORMATION MEETING – none

5. PUBLIC HEARING

5.1 Recess for Public Hearing

5.1.1 Bylaw Nos. 150, 151 and 152

By general consent the meeting was recessed at 11:45 am to conduct a Public Hearing on Bylaw Nos. 150, 151 and 152.

5.2 Recall to Order

By general consent the meeting was recalled to order at 12:37 pm.

By general consent agenda item 10.1 was moved to follow 5.2.

10. APPLICATIONS AND REFERRALS

10.1 HO-DVP-2013.2 (Heinegg & Chalfin - 4115 Roburn Road)

10.1.1 Staff Report dated July 8, 2015

Planner Milne presented the Staff Report which addresses the application to vary the Land Use Bylaw (LUB) Section 3.12 that requires that no lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line. He reported that there have been no comments received as a result of the notice provided to adjacent property owners.

Trustees discussed the access and proposed subdivision process and supported the application to issue the Development Variance Permit.

HO-2015-054

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee issue the Development Variance Permit HO-DVP-2013.2 (Heinegg & Chalfin) that authorizes the creation of a subdivision such that the front lot line of the proposed remainder lot may be less than one-third the length of its longest side lot line, located on Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020; PID 003-241-807, in accordance with Schedule "A" attached to and forming part of the permit.

CARRIED

6. MINUTES

6.1 Local Trust Committee Minutes dated July 17, 2015 for Adoption

The following amendments to the minutes were presented for consideration:

page 5, item 12.1.2, third paragraph, fifth line: add a comma after "consider"
page 11, item 13.7, second paragraph, sixth line: add "members" after "LTC"

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report dated August 4, 2015

Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 4, 2015

Planner Milne summarized the Follow-up Action List and provided updates for information.

8. DELEGATIONS – none

9. CORRESPONDENCE

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

9.1 Letter dated August 11, 2015 from Minister Todd Stone re: BC Ferries and Hornby Island

The LTC requested that this item be deferred to the next regular business meeting for consideration.

9.2 Letter dated August 11, 2015 from John Grayson, Hornby Island Estate Winery and Farm re: Hornby Island Land Use Bylaw No. 150 (proposed)

Received.

9.3 Email dated August 9, 2015 from Bernhard Weiss re: Decontamination of Fire Fighting Gear and Apparatus and RAR

Trustees received the email and noted that this correspondence will be taken into account with the Fire Hall project Development Permit application; and it was suggested that by that time, staff may have followed up with CVRD for response on some of the issues raised.

By general consent the meeting was recessed at 12:51 pm and reconvened at 1:20 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Bylaw No. 149

Bylaw No. 149 cited as “Hornby Island Official Community Plan Bylaw No. 149, 2014” - for consideration of third reading, submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Planner Milne indicated that the LTC is in a position to move forward with Bylaw No. 149 if desired.

HO-2015-055

It was MOVED and SECONDED,

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.”

CARRIED

Before the vote Trustee Law spoke to the motion, declaring that he is pleased to have the bylaw reach this stage and although he is not entirely comfortable with the wording of the Information Note requested by the Ministry, he recognized that it is not substantive in content, and hopes that the bylaw will receive Ministerial approval.

HO-2015-056

It was MOVED and SECONDED,

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

CARRIED

11.2 Bylaw No. 150

Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014” - for consideration of third reading and submission to Executive Committee for approval.

Trustee Allen declared a potential conflict of interest due to his employment as Manager of the Co-op Gas Bar and left the meeting at 1:25 pm.

Planner Milne identified two issues that arose in the Public Hearing that the LTC might consider at this time. There was discussion of the items with the following key points noted:

Definition of Hostel

- The proposed definition was compared to the definition existing in LUB No. 86 and Trustees gave consideration to concerns expressed at the Public Hearing that the new definition is viewed as potentially permitting a commercial operation operating as a hotel;
- Trustees acknowledged that hostel use is supported in the Official Community Plan (OCP) and is being added to the draft LUB to correct an inadvertent omission; and
- Trustees considered fine tuning the wording and recognized that a minor change in the definition could be accomplished without further public consultation.

HO-2015-057

It was MOVED and SECONDED,

that proposed Bylaw No. 150 be amended by removing the existing definition of hostel and replacing it with the following wording: “hostel means a building that contains shared sleeping units and common facilities for cooking, eating and washing in order to provide temporary accommodation for persons such as summer workers and displaced residents.”

CARRIED

Before the vote, Trustee Law spoke to the motion, noting that this represents a minor change for a use supported through previous community processes and responds to concerns heard at the Public Hearing.

3.6 Home Occupation Regulations-Prohibited Uses (1) (f)

- A resident has requested that this regulation be eliminated, believing that it is prejudicial and places a limitation on the use of his non-Agricultural Land Reserve (ALR) land;
- Planner Milne noted that a change in this regulation would be significant and would require a Public Hearing for public consultation. He provided an estimated timeline for this possibility;
- Trustees recognized that this regulation has been included to make the LUB congruent with uses permitted by the Agricultural Land Commission and recalled that in previous community consultation there had been concern regarding allowing winery lounges in residentially-zoned neighbourhoods;
- There is more than one winery on non-ALR land on Hornby Island with neighbourhoods that would be affected by a change in this regulation;
- Trustees were not in favour of initiating additional public consultation including another Public Hearing. Suggestions for alternative approaches

for the property owner to pursue were discussed and included application for a site-specific rezoning or application for inclusion into the ALR; and

- Trustees suggested that consideration might be given to adding “farm uses on non-agriculturally zoned land” to the Projects List for future attention.

A Trustee remarked that there were supportive comments heard at the Public Hearing regarding the proposed removal of references to liquor sales in the LUB, and that it was recognized that other government processes that regulate liquor licensing would provide opportunity for community consultation.

HO-2015-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014”.

CARRIED

HO-2015-059

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014” to Executive Committee for approval.

CARRIED

11.3 Bylaw No. 151 and Bylaw No. 152

Bylaw No. 151 cited as “Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015” - for consideration of third reading and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Bylaw No. 152 cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015” - for consideration of third reading and submission to Executive Committee for approval.

Trustee Allen returned to the meeting at 1:55 pm.

Planner Milne observed that there were misunderstandings expressed at the Public Hearing by community members about Riparian Area Regulation (RAR) and he did not believe an amendment to the bylaws was necessary. He remarked that there had been justification to further reduce the setback from ditches at the last meeting to address some of the community concerns.

Trustees considered possible approaches to take concerning the ditches and how they should be addressed in the RAR bylaw:

- A Trustee declared that while he strongly supports protection of riparian areas, he considered that the report received by a community member that assessed a 2-metre Streamside Protection and Enhancement Area (SPEA) setback for the non-fish bearing stream on the side of Central Road closer to Beulah Creek could provide justification for a further reduction in the bylaw requirement for ditches in that area; and

- A Trustee was of the view that a third-party report should be conducted on the Central Road area ditches affected by RAR to resolve the question; however, agreed that this approach would entail significant time and funding.

Trustees agreed that the level of voluntary compliance with the regulations may be low if they are considered to be unreasonable while affirming that the LTC has a responsibility to honour the intent of RAR. Discussion followed on further reducing the development permit area width from 15 to 8 metres from a stream that is a roadside ditch which does not contain in-stream habitat for fish.

HO-2015-060

It was MOVED and SECONDED,

that proposed Bylaw No. 152 be amended by making the following change in exemption s): deleting 15 metres and replacing it with 8 metres.

CARRIED

Prior to the vote, Trustee Law spoke to the motion, remarking that his decision was informed by the report, created by a professional biologist and brought to the LTC's attention, that assessed a 2-metre SPEA setback on a non-fish bearing stream closer to Beulah Creek. He noted that the 8-metre distance established is a significant margin beyond that determined in the report.

Prior to the vote, Trustee Allen agreed that this is a reasonable approach and can be re-evaluated in the future if conditions warrant.

HO-2015-061

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 151 cited as "Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015".

CARRIED

HO-2015-062

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 152 cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015" as amended.

CARRIED

HO-2015-063

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 151 cited as "Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015" to the Executive Committee and Minister of Community, Sport and Cultural Development for approval.

CARRIED

HO-2015-064**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee submit Bylaw No. 152 cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015” to the Executive Committee for approval.

CARRIED

Trustee Law expressed his gratitude for the work done by staff on this project, including the conducting of community consultation meetings. He observed that RAR has been a difficult issue mandated by the provincial government, and he appreciated the input provided by the community which presented the opportunity for him to consider the issues more deeply.

12. REPORTS**12.1 Work Program****12.1.1 Top Priorities Report dated August 4, 2015**

Trustees reviewed the report. They recognized the potential to initiate new priorities and discussed possible options.

HO-2015-065**It was MOVED and SECONDED,**

that the Top Priorities be amended by removing item 3 “Appointments to the Advisory Planning Commission” and adding “Communication Strategy for Revised Official Community Plan and Land Use Bylaw”.

CARRIED**HO-2015-066****It was MOVED and SECONDED,**

that the Projects List be amended by deleting “Communication Strategy for Revised OCP and LUB” and adding “Appointments to the APC”.

CARRIED**HO-2015-067****It was MOVED and SECONDED,**

that the Projects List be amended by adding the words “and address farming activities on non-ALR land” after the words “opportunities for small-scale farming”.

CARRIED**HO-2015-068****It was MOVED and SECONDED,**

that staff be requested to write to Mr. John Grayson to convey the Local Trust Committee’s decision, with respect to the issues raised in his letter regarding winery lounges on non-Agricultural Land Reserve land, to outline opportunities for him to address this and to convey that the Local Trust Committee has added an item to its Projects List to consider how to address farming activities on non-ALR land.

CARRIED

12.1.2 Projects List Report August 4, 2015

Trustees reviewed the Projects List.

HO-2015-069

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend “Review of Siting and Use Permit Bylaw No. 52...” to read “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 capacity”.

CARRIED

12.2 Applications Report dated August 4, 2015

Planner Milne presented the report and provided updates.

12.3 Trustee and Local Expense Report dated July, 2015

Received.

12.4 Adopted Policies and Standing Resolutions

Trustees reviewed the report and observed that Resolution HO-043-2013 will be expiring on September 30, 2015 and indicated that this may be an item for consideration at the next business meeting.

12.5 Local Trust Committee Webpage

Trustees requested that the Hornby Island webpage be updated to reflect the current Top Priorities and Projects List.

12.6 Chair's Report

Chair Busheikin reported on matters being addressed at Executive Committee including the Strategic Plan and status of the Chief Administrative Officer hiring process. She reminded Trustees that late New Business items for the Trust Council meeting are discouraged unless urgent; and advised that working with staff on items for inclusion at this time would be preferable. She provided an update on the Office Relocation Review and will keep Trustees informed on the progress.

In response to an inquiry from a Trustee, Chair Busheikin advised that Trustees may participate at Executive Committee meetings when bylaws are being discussed.

12.7 Trustee Reports

Trustee Allen reported that the Ferry Advisory Committee will be discussing topics including level of service and options at their next meeting.

Trustee Law remarked that he attended a meeting with a representative from Fords Cove Harbour Authority and reported that they are planning for a significant expansion of the harbour and will be seeking the support of the LTC. He noted that this issue may include discussion of location for float planes. He advised that he has spoken to BC Parks regarding the property for sale adjacent to Tribune Bay and, given their response and the importance of that property, the LTC may want to encourage other entities that might have options in order to provide protective measures.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report

Trustee Law provided an update on Trust Fund Board (TFB) activities, reporting that a covenant has now been signed for protection of a property in the south of Pender Island, a meeting was held with the Qualicum First Nation and that the relationship building process is ongoing. He noted that the Thetis Island acquisition has moved into the second stage and that the TFB did a realtor outreach on Pender Island that was successful. He remarked that contact has been made with Nature Conservancy of Canada to consider protection options for Grace Islet and that a major trespass situation on Lasqueti Island is being addressed. He noted that the Coastal Douglas Fir Conservation Strategy work is ongoing.

13. NEW BUSINESS

13.1 Climate Change Leadership

Trustee Law reported that there is an opportunity to provide input into British Columbia's Climate Change Leadership Discussion Paper with goals and objectives to respond to climate change. He suggested that the LTC might provide a written submission with reference to policies in the Hornby Island OCP that relate to the goals and objectives of the discussion paper in order to advance advocacy in those areas. Trustees agreed that participation in this initiative would be worthwhile.

HO-2015-070

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee requests the Chair to provide a written submission to the Province of British Columbia's Climate Change Leadership Discussion Paper, with particular reference to policies in the Hornby Island Official Community Plan that relate to the goals and objectives of the Discussion Paper.

CARRIED

Trustee Law offered to draft the letter and Chair Busheikin suggested that the letter be copied to Lisa Gordon, Trust Area Services.

13.2 Letter dated August 11, 2015 from T. Ian Smith, Comox Valley Regional District (CVRD) re: Hornby Fire Hall Project Development Permit

Planner Milne provided an overview of the Hornby Fire Hall project and their request for a Special LTC Meeting to expedite the consideration of the CVRD's Development Permit application. Trustees suggested that other business might be conducted at a Special Meeting as well, such as the discussion of Fords Cove Harbour Authority's possible expansion of the harbour. Discussion followed on date and time for the meeting with the venue yet to be determined.

HO-2015-071

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee hold a Special Meeting on August 31, 2015 at 11:30 am.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 2, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

Trustees confirmed that the next regular business meeting is scheduled for October 2, 2015 at 11:30 am.

In addition, a Special Meeting has been scheduled for August 31, 2015 at 11:30 am with the venue to be determined.

15. TOWNHALL - none

16. CLOSED MEETING - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:18 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder