

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
WEDNESDAY, MARCH 23, 2011 AT 12:15 PM
AT NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND BC**

PRESENT: Louise Bell Chair
Fred Hunt Local Trustee
Tony Law Local Trustee
Brodie Porter Island Planner
Vicky Bockman Minute Taker

There were thirty-five (35) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:21 pm. She introduced the Local Trustees, Island Planner and Minute Taker and acknowledged that this meeting is being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following items were added to the agenda:

Correspondence regarding Short Term Vacation Rentals:

- Item 5.8, Email dated March 16, 2011 from Helen Grond
- Item 5.9, Email dated March 16, 2011 from Russel Roy
- Item 5.10, Email dated March 17, 2011 from Stephen McGrath
- Item 5.11, Email dated March 18, 2011 from Patrick Lavin
- Item 5.12, Email dated March 18, 2011 from Walt, Jane, Gord, Jake, Krissy Kamlade
- Item 5.13, Email dated March 17, 2011 from Elspeth Armstrong
- Item 5.14, Email dated March 17, 2011 from Frances Millan
- Item 5.15, Email dated March 17, 2011 from Barbara Baird
- Item 5.16, Email dated March 17, 2011 from Karen Ross
- Item 5.17, Emails dated March 19, 2011 and March 22, 2011 from Randy Wunderlich
- Item 5.18, Email dated March 22, 2011 from Judi Stransman
- Item 5.19, Email dated March 21, 2011 from Tina and Wayne Wai
- Item 5.20, Email dated March 21, 2011 from Robert Gee
- Item 5.21, Email dated March 21, 2011 from Gina Rae
- Item 5.22, Email dated March 20, 2011 from Nola and Andrew Jackson
- Item 5.23, Email dated March 20, 2011 from Karin Ristau

- Item 5.24, Email dated March 20, 2011 from Christian Weixelbaumer
- Item 5.25, Email dated March 19, 2011 from Dianne Cox
- Item 5.26, Email dated March 20, 2011 from Dale Chase
- Item 5.27, Letter dated March 20, 2011 from John and Doreen Cooper
- Item 5.28, Email dated March 19, 2011 from Margaret Sinclair
- Item 5.29, Email dated March 19, 2011 from Elena Feder
- Item 5.30, Email dated March 19, 2011 from Michelle Easterly
- Item 5.31, Email dated March 19, 2011 from William Thomas
- Item 5.32, Letter dated March 17, 2011 from Joyce Denton

Other additions to the agenda:

- Item 11.2, Staff Report dated March 21, 2011 regarding Short Term Vacation Rentals
- Item 11.3, Staff Report dated March 21, 2011 regarding Hornby Island OCP Review
- Item 11.4, *Community Information Meetings of April 2, April 4 and April 6, 2011 – discussion of process*

The agenda was approved as amended by consensus.

3. MINUTES

3.1 Local Trust Committee Meeting Minutes dated February 18, 2011

The minutes were amended as follows:

1. Page 5, Item 9, Paragraph 5, Second line: Change text from “Local Trust Committee can hear new facts, however, cannot hear opinions.” to “Local Trust Committee cannot hear new facts and cannot hear opinions.”
2. Page 5, Item 9, Paragraph 8: Change text from “meeting” to “hearing”
3. Page 3, Item 6, Paragraph 1: Change text to: “Trustee Hunt reported that he and Trustee Law were observers at a meeting of Planner Porter, Bylaw Enforcement Coordinator Drew and community members interested in short term vacation rental issues. He was impressed with the information that was exchanged.”
4. Page 3, Item 6, Paragraph 2, Second sentence: Change text to: “He noted that Margaret Sinclair, island archivist, is willing to take part and that the filmmakers have been advised Andrea Lebowitz is presently organizing Hilary Brown’s papers.”
5. Page 8, Item 11, Paragraph 3: Change text from “questions in community meetings regarding” to “questions in the community regarding”
6. Page 10, Line 1: Change text from Trustee Law and staff for” to “Trustees Law and Hunt, and staff for”

7. Page 13, Item 12.2, Line 3: Insert “completing work on” after “Review prior to”
8. Page 1, Item 2, Third bullet: Insert “from Nicki Johansen” between “Email” and “received as late”
9. Page 2, Item 3.2, Paragraph 3, Line 1: Change “Michelle” to “Michele”
10. Page 4, Item 7, Line 7: Change text to: “She also reported that the Financial Planning Committee had passed a resolution...”
11. Page 9, Last Paragraph, Line 1: Change text to: “Trustee Hunt said that he recognized the importance...”
12. Page 10, Paragraph 1, Line 2: Change “community” to “committee”
13. Page 11, Item 11.2, Second bullet: Remove “please”
14. Page 11, Item 11.2, Fourth bullet: Delete “The Local Trust Committee requested”
15. Page 10, Resolution HO-002-2011: Correct by a resolution

- HO-013-2011** It was **MOVED** and **SECONDED** that the minutes of the February 18, 2011 meeting of the Hornby Island Trust Committee be amended as follows:
1. by deleting the words “DEFEATED, Chair Bell and Trustee Law opposed” after HO-002-2011 on page 10;
 2. by replacing the text near the top of page 11 that reads “The final wording of the amended Motion is as follows;” with “The vote was called on Resolution HO-002-2011 as amended, the final wording being as follows:”
 3. by deleting “**HO-005-2011**” on page 11; and
 4. by changing the numbering of all subsequent resolutions in the remainder of the minutes, starting with the first resolution on page 12, which changes from HO-006-2011 to HO-005-2011.

CARRIED

The minutes were adopted as amended by consensus.

3.2 Section 26 Resolutions Without Meeting Log dated March 15, 2011

Received.

3.3 Advisory Planning Commission Minutes

None.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated March 15, 2011

Planner Porter presented the Follow-up Action List with updates.

5. CORRESPONDENCE

5.1 *Letter dated February 21, 2011 to School District No. 71 Board from Louise Bell, Local Trustee regarding Bussing School Children from Denman Island*

Received.

5.2 *Email dated February 24, 2011 from Michael Berman regarding Short Term Vacation Rentals*

Received.

5.3 *Letter dated February 28, 2011 from Doug Christie regarding Short Term Vacation Rentals*

Received.

5.4 *Email dated March 2, 2011 from Walter and Jan Kamlade regarding Short Term Vacation Rentals*

Received.

5.5 *Email dated March 3, 2011 from Bob Henderson regarding Short Term Vacation Rentals*

Received.

5.6 *Email dated March 4, 2011 from Wayne Wiens, Andrea Lebowitz, Charles Western and Phyllis Western regarding Short Term Vacation Rentals*

Received.

5.7 *Email dated March 12, 2011 from Wendy Edwards regarding Short Term Vacation Rentals.*

Received.

Received as Late Correspondence regarding Short Term Vacation Rentals:

5.8 *Email dated March 16, 2011 from Helen Grond*

5.9 *Email dated March 16, 2011 from Russel Roy*

5.10 *Email dated March 17, 2011 from Stephen McGrath*

5.11 *Email dated March 18, 2011 from Patrick Lavin*

5.12 *Email dated March 18, 2011 from Walt, Jane, Gord, Jake, Krissy Kamlade*

5.13 *Email dated March 17, 2011 from Elspeth Armstrong*

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- 5.32 Letter dated March 17, 2011 from Joyce Denton*

Trustee Law requested that the correspondence regarding Short Term Vacation Rentals received to date and up until April 18, 2011 be consolidated and presented to the Local Trust Committee at the April 27, 2011 meeting.

The Trustees thanked all those who corresponded.

6. TRUSTEES' REPORT

Trustee Hunt reported on the Future of Farming workshop that he attended last week. The workshop, organized by the Hornby Island Community Economic Enhancement Corporation, was well attended and very informative. He noted that MLA Don McRae has been appointed to the Provincial Cabinet as Minister of Agriculture and extended his congratulations to him. Mr. McRae has made himself available for informal discussions on Hornby, stating that he hopes to meet again in June or September to expand upon items of interest.

Trustee Hunt said he attended a community meeting March 18 with speaker John Snyder of Coalwatch, discussing the proposed Raven Coal mine and community process. He also reported that he attended a Trust Council meeting on March 8-10, 2011 which was mainly focused on the budget.

For the information of the public attending today's meeting, Trustee Hunt read out the names of the writers of the six pieces of correspondence which were included and received as a part of the agenda.

Trustee Law reported on his work as a member of the Comox Valley Regional District Committee on Homelessness and Housing, stating that the work will be extended for another three months. Additionally, he stated he has been involved with the working group of the environment assessment process for Raven Coal mine and reported there will likely be public meetings in the spring or fall which will be well publicized.

Trustee Law provided British Columbia Ferries repair and service updates. He said that at the end of this month the British Columbia Ferry Commissioner will make recommendations for provisional price caps with funding and service decisions provided in a report by the end of June. He stated it is important to watch for this report and to advise MLA Don McRae of concerns.

7. CHAIR'S REPORT

Chair Bell reported on the Trust Council meeting this month on Galiano Island and provided information regarding results of the public consultation period held prior to that meeting. She reported that in response to those results the Islands Trust budget for 2011-2012 retained the Trustee remuneration at a slighter reduced level and set the property tax increase at just 1%.

Chair Bell commented on a presentation of MapIT that was made at a Trust Council meeting. She reported that this is a comprehensive interactive program which will allow the public to obtain information on any property within the Trust area, and it should be available in April.

Chair Bell reported that she attended two Executive Committee meetings in the past month and stated that members of the Executive Committee will be attending the annual Association of Vancouver Island and Coastal Communities conference in April.

8. DELEGATIONS

None.

9. TOWN HALL SESSION

Chair Bell prefaced the Town Hall Session by stating that this is an opportunity for the Local Trust Committee to hear constituents' views. She said that the Local Trust Committee will be working further on the approach to Short Term Vacation Rentals and feedback from this session will be included in three planned Community Information Meetings on this subject scheduled for April 2, 2011 on Hornby, April 4, 2011 in Vancouver and April 6, 2011 in Victoria.

Dale Chase asked if the Temporary Use Permits would, in fact, be less costly and if the process would be streamlined. He also inquired as to how many Short Term Vacation Rental complaints were actually received last year.

Chair Bell advised that the Local Trust Committee realized there were discrepancies between the Official Community Plan and Land Use Bylaw starting in 2002 and that the matter is being looked at from a planning point of view, not from a complaint standpoint.

Trustee Law responded that the bylaw relating to Short Term Vacation Rentals has not been enforced while the issues are being sorted out. He stated that information on the proposed Temporary Use Permit cost and process will be presented at Community Information Meetings which will be held in April.

Kevin Woods expressed his view that the economic effect of reducing Short Term Vacation Rentals would negatively impact the island artisans and operators. He stated that he doesn't feel represented in this process.

Donna Tuele stated the Residential zoning on Hornby should be refined to allow Short Term Vacation Rentals as that zone was originally intended to accommodate them.

Helen Grond said that in her view there has been poor planning in the proposed Short Term Vacation Rental process, with no reports or studies completed as to what the effects of the proposed approach would be. She expressed her belief that this needs to be done.

Stephen McGrath commented that the Island Trust's mandate "to preserve and protect" also means to preserve and protect the economics of the island by not decreasing the economic viability. He said the constituency needs to be heard.

Katherine Ronan recalled that in the 1980's when she was a member of the Advisory Planning Commission, it was felt that it was better to accommodate off-island guests in locations around the Island rather than concentrating them into large hotels or resorts and that was reflected in the Official Community Plan at that time.

Karen Ross stated that this is an opportunity to show leadership and to treat Hornby differently than other islands. She said that a local group has been working to address possible solutions to the Short Term Vacation Rental issue and she asked the Local Trust Committee to consider the suggestions of this group.

Michelle Easterly said that she does not favour the Temporary Use Permit approach. She said a new working group, tentatively named Hornby Island

Home Rental Association, is currently seeking input from the community about home rental complaints and compliance.

Barbara Baird distributed a hand out on the Hornby Island Rental Association. She stated this could be a framework that addresses Short Term Vacation Rental concerns such as water use, density and long term renting. She is hoping the Local Trust Committee will consider a limited legalization of Short Term Vacation Rentals which is what the group believes the home occupation reference in the Official Community Plan intended to allow.

Judy Cross stated that she had been on the committee that revised the Official Community Plan (OCP) in 2001. At that time it was known that the OCP and Land Use Bylaw (LUB) were not in sync but said they had been assured it would be interpreted in terms of the OCP.

Bob Gee shared his observations and belief that the housing approach, amenity trade offs, increased densities and restriction of Short Term Vacation Rentals are meant to stop the Short Term Vacation Rentals operations.

David Cloud commented that the implementation of the proposed Short Term Vacation Rental policy would negatively impact the island activities that have been fostered such as the festival, co-op and artisans. He questioned the system of elected officials being able to decide on a direction that is not supported by the community.

Planner Porter responded by stating that Islands Trust staff are based in Victoria; however, direction is provided by the Local Trust Committee in conjunction with public consultation and Advisory Planning Commission advice as well as through advice from staff. He stated that the laws of British Columbia, Trust Policy Statement and Islands Trust Act provide a framework on which advice and policy are constructed. He explained the home occupation principal in the Official Community Plan, noting that the current situation does not give the Short Term Vacation Rental operators certainty that the operation can be carried on. Planner Porter said that the Land Use Bylaw crafts the appropriate language in order to give those protections. He stated that the concept of a home rental association could be a valuable forum to voice positions and advance dialog.

Chair Bell encouraged those who are interested in the Short Term Vacation Rental issue to stay to hear more discussion about the Short Term Vacation Rental Enforcement Policy and Draft Official Community Plan/Land Use Bylaw proposals that will be presented later in the agenda. She stated she hopes that prior to the Community Information Meeting on April 2, 2011 the community will look at the materials from today's meeting which will be on the website after today in order to be more informed for that meeting.

10. APPLICATIONS AND PERMITS

10.1 HO-RZ-2009.2 Hornby Island Resort Ltd.

Chair Bell reminded members of the audience and the applicant that there has been a Public Hearing on the two proposed bylaws that address this issue and because it is now post Public Hearing the Local Trust Committee cannot receive any new information on the subject.

Planner Porter presented an overview of the status of the application and the proposed two bylaw amendments that were presented at the Public Hearing. He reported that staff has received communications from members of the community on this matter recently, however staff has not given this information to the Trustees. He advised that the Local Trust Committee can either proceed based on the public representation it has received or can decide if it needs additional discussion by the Local Trust Committee and if so, that would trigger another Public Hearing. Planner Porter outlined possible timeframes and options should that be required.

The applicant stated that he has not changed any development plan details and that he would like to begin construction in September or October, build over the winter and be ready for the summer season. He confirmed that he will be in a position to submit the Development Permit Application soon.

The subject of parking was addressed and it was determined that while some aspects of the parking plan have changed, this will be addressed in the Development Permit Application and does not constitute new information for purposes of requiring an additional Public Hearing.

The Trustees discussed the options of holding another Public Hearing now for further discussion or receiving the details in the Development Permit application process and addressing questions and concerns at that point.

Chair Bell expressed her opinion that she does not believe there is more information that would be sufficiently valuable at this point in the proposal to warrant more discussion. Trustee Law expressed his desire to address the concerns of the public however he acknowledged the limitations of being post Public Hearing and stated he does not see much that could be achieved by further discussion at this time. Trustee Hunt stated it appeared the questions and issues could be addressed through the Development Permit Application process rather than through additional discussion and a second Public Hearing.

Chair Bell confirmed that the executed Covenant for the project has been received and will be presented at the next Local Trust Committee business meeting.

Chair Bell recessed the meeting at 2:30 pm and reconvened the meeting at 2:41 pm.

10.1.1 *Proposed Bylaw No. 140 cited as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No. 2, 2010*

Received and discussed earlier in the meeting.

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

Received and discussed earlier in the meeting.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 HO-OCP-2009.2 Enforcement Policy – Communications Plan

Planner Porter presented an overview of the bylaw enforcement policy adopted at the February 18, 2011 Local Trust Committee Meeting. The Enforcement Policy Communication Plan was not available for presentation in the Bylaw Enforcement Coordinator's absence.

Trustee Law stated he would like Resolution HO-007-2011 to be rescinded as he wants further community consultation prior to consideration of this policy. The Trustees discussed the previously adopted policy and enforcement criteria. Chair Bell said that she sees value to wanting to share this with the community; however, she expressed her opinion that the resolution adopted was a good approach and there has been considerable audience with concerned community members on this issue. Trustee Hunt stated he believes that technically the approach is fine, but that he feels it needs to be reintroduced to the community for discussion prior to going forward. Planner Porter advised that if the resolution is rescinded then the Islands Trust Enforcement Policy will prevail.

HO-014-2011 It was **MOVED** and **SECONDED** that Resolution HO-007-2011 be rescinded.

In discussion it was noted that the number of the resolution being rescinded was changed by Resolution HO-013-2011 earlier in this meeting, therefore a friendly amendment was requested to change the number of that resolution from "HO-007-2011" to "HO-006-2011".

The motion as amended then reads as: "It was **MOVED** and **SECONDED** that Resolution HO-006-2011 be rescinded."

CARRIED
Chair Bell opposed

There was further discussion on enforcement of Short Term Vacation Rentals. Trustee Law requested a resolution that would be simple and clear be moved to address the implementation of the enforcement of Short Term Vacation Rentals.

HO-015-2011 It was **MOVED** and **SECONDED** that no enforcement be carried out on Short Term Vacation Rentals for the rest of this term unless a new Bylaw Enforcement Policy is adopted.

There was discussion on the motion. Planner Porter advised that the motion as put forth would be interpreted that the Bylaw Enforcement Coordinator could not act on any health and safety concern or complaint and there may be legal implications with that approach.

HO-016-2011 It was **MOVED** and **SECONDED** that the Local Trust Committee motion be tabled.

CARRIED
Trustee Law Opposed

Trustee Hunt requested that material that is included in the draft Short Term Vacation Rental Bylaw Enforcement policy HO-006-2011 be included for discussion in the upcoming Community Information Meetings.

11.2 HO-OCP-2009.2 Short Term Vacation Rental Official Community Plan/Land Use Bylaw Draft Bylaw Proposals

Planner Porter summarized the information presented in the Staff Report dated March 21, 2011 regarding Short Term Vacation Rentals. This report includes proposed amendments to the Hornby Island Official Community Plan and/or policies regarding Short Term Vacation Rentals and makes suggestions as to how the Temporary Use Permit process can be streamlined and less expensive. He stated that the draft bylaws will then be presented in the Community Information Meetings for comments and suggestions.

The Local Trust Committee discussed the various issues involved and made several changes to the staff report recommendations. Additionally, Trustee Law recommended that terminology be agreed upon that is consistently used when referring to vacation rentals. It was agreed that the phrase "Short Term Vacation Rental" is to be replaced with "vacation home rental".

H0-017-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to make changes to the Draft Official Community Plan regarding the subject of Short Term Vacation Rentals as presented in the March 21, 2011 Staff Report and discussed at the March 23, 2011 meeting.

CARRIED

11.3 HO-OCP-2009.1 Draft Official Community Plan Reflecting Recent Amendments

Planner Porter presented the Staff Report dated March 21, 2011 regarding Hornby Island OCP Review. The Trustees discussed the Draft Official Community Plan labeled "Draft for Comment April 2011" and requested several changes to the text.

H0-018-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to make changes made to the Draft Official Community Plan at the March 23, 2011 Hornby Island Local Trust Committee meeting during discussion of Agenda Item 11.3

CARRIED

11.4 Community Information Meetings of April 2, April 4 and April 6, 2011 – discussion of process

There was a brief discussion about the process involved in the Community Information Meetings which will be held in April, 2011 on Hornby Island, in Vancouver and in Victoria.

The Local Trust Committee agreed by consensus to defer Agenda Items 12 - 16 for another meeting.

17. ADJOURNMENT

Chair Bell adjourned the meeting at 5:35 pm.

Minute Taker

Chair