



Islands Trust

## Hornby Island Local Trust Committee Minutes of Regular Meeting

**Date:** January 24, 2020

**Location:** Room to Grow  
2100 Sollans Road, Hornby Island, BC

**Members Present:** Sue Ellen Fast, Chair  
Alex Allen, Local Trustee  
Grant Scott, Local Trustee

**Staff Present:** Heather Kauer, Regional Planning Manager  
Sonja Zupanec, Island Planner (via telephone)  
Vicky Bockman, Recorder

**Others Present:** Approximately twenty-five (25) members of the public

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Fast called the meeting to order at 11:30 am. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the K'ómoks and Qualicum First Nations.

### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

### 3. REPORTS

#### 3.1 Trustee Reports

Trustee Allen reported on the following:

- He attended Trust Council in December where highlights included work on the Strategic Plan and a meeting he had with Cortez Island's Area Director Anderson.

Trustee Scott reported on the following:

- At Trust Council he and the Director of Trust Area Services discussed the need for more understanding on Hornby Island of how the Islands Trust functions, with a community presentation being considered to provide this information. Other discussions included concern regarding Agricultural Land Commission (ALC) restrictions on small islands.
- Senior Intergovernmental Policy Advisor Wilcox is organizing an event on Hornby Island with K'ómoks First Nation to advance relationship building;

- Trustees have asked staff for options to enable regular Planner Hours on Hornby Island and will be discussing possibilities later in today's agenda.

### **3.2 Chair's Report**

Chair Fast reported on the following:

- Attendance at Executive Committee meetings;
- At Trust Council the 2020/2021 draft budget was completed and will be available for public consultation; Senior Intergovernmental Policy Advisor Wilcox presented an informative session on residential schools; and the Strategic Plan was adopted.

### **3.3 Electoral Area Director's Report - none**

## **4. TOWN HALL**

Members of the public commented with the following noted:

- There are now over 150 Vacation Home Rentals on Hornby Island and their lack of compliance to the bylaws is a concern; Trustees were urged to enforce the Vacation Home Rental regulations;
- A community member is requesting Local Trust Committee (LTC) support for a proposed reconsideration of a subdivision application to the ALC; this business will be considered later in today's agenda;
- A method of resolving conflict involving bylaws is lacking and support was expressed for a bylaw enforcement policy.

## **5. DELEGATIONS**

### **5.1 JoAnn Harrison for Hornby Island Housing Society**

Michael McNamara spoke for the Hornby Island Housing Society (HIHS) in JoAnn Harrison's absence. He provided background and explained that it is HIHS' understanding that the (R3A) zone (ISLA) had been approved, however they have learned that this zone is not included in Schedule B. He submitted supporting documentation and requested that the LTC assist in expediting resolution of the question of their current zoning to allow them to move forward as a delay will jeopardize funding of this housing project.

### **5.2 Alan Fletcher - Agricultural Land Issues and Concerns**

Alan Fletcher summarized the challenges that farmers are facing from outside governing forces. He urged the Islands Trust, Trustees, and staff to show support for activities that sustain Hornby Island, such as farming, by engaging with the Agricultural Land Commission (ALC) on their behalf.

## **6. MINUTES**

### **6.1 Local Trust Committee Minutes dated November 8, 2019 - for adoption**

**HO-2020-001****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee adopt the Local Trust Committee minutes dated November 8, 2019.

**CARRIED****6.2 Section 26 Resolutions-without-meeting Report dated January 9, 2020**

Received.

**6.3 Advisory Planning Commission Minutes - for receipt****6.3.1 Adopted Minutes dated November 22, 2019**

Received.

**6.3.2 Adopted Minutes dated December 6, 2019**

Received.

**6.3.3 Draft Minutes dated December 13, 2019**

Received.

**7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List Report dated January 17, 2020**

Received.

**7.2 2020 Meeting Schedule Update - Memorandum for decision****HO-2020-002****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee schedule a regular business meeting on September 11, 2020.

**CARRIED****7.3 On Island Trustee and Planner Office Hours - Staff Report for decision**

Regional Planning Manager Kauer presented the Staff Report that provides an analysis of issues and options available for holding on-island Office Hours.

**HO-2020-003****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to schedule and advertise Planner Office Hour availability prior to scheduled Local Trust Committee meetings on Hornby Island.

**CARRIED**

Trustee Allen offered to work with staff to draft wording to publicize the opportunity for community members to schedule Planner Office Hour meetings, to be published in the local paper prior to the next LTC meeting.

**7.4 Comox Valley Regional District (CVRD) Housing Service Feasibility Study – Memorandum**

Trustees received the Memorandum for information. They indicated that the services funded by property owners for homelessness in the Hornby Island area can be explored in the future if there is interest.

**7.5 Meeting Procedure Bylaw No. 160 - Staff Report**

**HO-2020-004**

**It was MOVED and SECONDED,**

that the typographical error in Meeting Procedure Bylaw No. 160 Public Participation item number 33 be corrected to read: “A public participation period, limited to ten (10) minutes in duration...” to match guidelines.

**CARRIED**

**HO-2020-005**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a first time.

**CARRIED**

**HO-2020-006**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a second time.

**CARRIED**

**HO-2020-007**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be read a third time.

**CARRIED**

**HO-2020-008**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 160, cited as “Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019” as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**7.6 Bylaw Enforcement Notification (BEN) Bylaw No. 159 - consideration of adoption**

**HO-2020-009**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 159, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019” be adopted.

In discussing the motion, Trustees indicated that a future project might be considered to update outdated regulations impacting the contraventions and penalties. They noted the importance of advancing the BEN Bylaw at this time and proposed that a review of the fine structure in Schedule A might be conducted to ensure that penalties are appropriate.

CARRIED

**By general consent the meeting was recessed at 1:03 pm and reconvened at 1:24 pm.**

## 8. APPLICATIONS AND REFERRALS

### 8.1 HO-DP-2019.4 (Tuele) - Staff Report for decision

**HO-2020-010**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.4 (Tuele); and

that the Hornby Island Local Trust Committee waive the requirement for a plan signed by a B.C. Land Surveyor as required by section 2.7 *Siting Compliance* of the Hornby Island Land Use Bylaw No. 150, 2014 for application HO-DP-2019.4.

CARRIED

## 9. LOCAL TRUST COMMITTEE PROJECTS

### 9.1 Official Community Plan and Land Use Bylaw Technical Amendments Project Update - Staff Report for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider advancing proposed Bylaw Nos. 161 and 162 to a Community Information Meeting and Public Hearing.

Trustees identified two issues that might be included in the Official Community Plan/Land Use Bylaw Technical Amendments project and were advised to forward that information to Planner Zupanec for review.

**HO-2020-011**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing during the next regularly scheduled Local Trust Committee meeting for proposed Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", and proposed Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019".

CARRIED

### 9.2 Vacation Home Rental Review Project - for discussion

Trustees considered APC referral recommendations and confirmed that the APC's Standing Resolution recommendation had been reviewed by Bylaw Enforcement staff.

**HO-2020-012**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee rescind Standing Resolution HO-2019-044:

**HO-2019-044****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee adopt the following standing resolution:

that the Hornby Island Local Trust Committee authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rental.

**CARRIED****HO-2020-013****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee adopt the following Standing Resolution:

authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement:

- Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media.
- More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.
- While the property is rented, additional persons are staying in tents, trailers or recreational vehicles.
- There are issues related to health and safety in accordance with the Land Use Bylaw.
- There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people.
- The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149:
  - that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or
  - where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or
  - where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.
- The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental.
- A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.

**CARRIED**

Trustees thanked the APC members for their work on this referral.

**10. CORRESPONDENCE**

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

**10.1 Submission dated November 20, 2019 from Tony Law regarding Vacation Home Rentals on Hornby Island**

Received.

**11. NEW BUSINESS**

**11.1 Letter of Support for Pat (Gemma) Colin regarding Subdivision Application within the Agricultural Land Reserve (ALR) - for discussion and decision**

Pat Colin requested LTC support for an appeal to the ALC for reconsideration of a subdivision application. Trustees discussed procedure and suggested that an early indication of the LTC's support for this application would be helpful.

**HO-2020-014**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee supports Pat Colin's request for reconsideration by the Agricultural Land Commission regarding her subdivision application no. 54391 within the Agricultural Land Reserve as it maintains a viable farm unit on Hornby Island.

**CARRIED**

Trustee Scott offered to draft a letter with this support for Chair Fast's signature.

**11.2 National Marine Conservation Area Reserve - for discussion**

Trustee Grant commented that at the recent Trust Council meeting a National Marine Conservation Area Reserve was proposed for the southern Gulf Islands. Trustees discussed their support for requesting that Hornby Island be included in this initiative.

**HO-2020-015**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request that Trust Council write a letter to James Gordon, Project Manager of the proposed National Marine Conservation Area Reserve, encouraging the inclusion of Hornby Island and the other Northern Gulf Islands in the marine conservation planning process.

**CARRIED**

**12. REPORTS**

**12.1 Trust Conservancy Reports for October and December, 2019**

Chair Fast presented highlights from the reports for information.

**12.2 Applications Report dated January 17, 2020**

Discussion of the Applications Report included the following Trustee comments:

- Status information has not been provided in the report for the applications from Hornby Island Resort; comments and questions regarding these applications may be directed to the assigned planner;

- Status information has not been provided in the report for file number HO-TUP-2020.1; timeliness of Planner review to confirm compliance with bylaws was considered important given the seasonal nature of the enterprise.

#### **12.3 Trustee and Local Expense Report dated November, 2019**

Received.

#### **12.4 Adopted Policies and Standing Resolutions**

The LTC adopted changes to Standing Resolutions in agenda item 9.2.

#### **12.5 Local Trust Committee Webpage**

The following additions to the Webpage were requested:

- Add the Islands Trust Conservancy Conservation Plan Updates to the Hornby Island Local Trust Area Resource webpage;
- Add information regarding Planner Hours and the opportunity for community members to schedule on-island meetings with Planners.

### **13. WORK PROGRAM**

#### **13.1 Top Priorities Report dated January 17, 2020**

Trustee discussion included the following comments:

- The creation of a separate project to address the inconsistencies in the Riparian Regulations Regulation mapping might be considered;
- Top Priority No. 1 Project Charter Phase 2 might be reviewed at the next LTC meeting to inform discussion of the scope of the project;
- A referral might be made to the APC to consider outdated regulations impacting BEN Bylaw contraventions and fine structure;
- Chair Fast questioned the process of amending the BEN bylaw directly after adoption; and noted that the Schedule A contraventions are based specifically on the LUB and that a review of out-of-date LUB regulations would be a large project.

#### **HO-2020-016**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request the Advisory Planning Commission to review Schedule A of Bylaw No. 150.

CARRIED

Chair Fast Opposed

#### **HO-2020-017**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to bring back a review of Top Priority No. 1 with recommendations for a revised Project Charter.

CARRIED

#### **13.2 Projects List Report dated January 17, 2020**

Received.

### **14. CLOSED MEETING**

**14.1 Motion to Close the Meeting****HO-2020-018****It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of *In-Camera* Meeting Minutes dated November 8, 2019 and that the recorder and staff attend the meeting.

**CARRIED**

Chair Fast closed the meeting to the public at 3:23 pm.

**14.2 Recall to Order**

**By general consent** the LTC reconvened in open meeting at 3:29 pm to rise and report.

**14.3 Rise and Report**

Chair Fast reported that in the Closed Meeting, the LTC adopted minutes of the *In-Camera* meeting of November 8, 2019, and resolved to offer the six current members of the APC reappointments for the upcoming term and to advertise for further expressions of interest.

**15. INFORMATION ITEMS****15.1 Letter dated November 21, 2019 from Sheila Malcolmson, MLA regarding Marine Debris**

Received.

**15.2 Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project**

Received.

**15.3 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations**

Received.

**15.4 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences**

Received.

**16. UPCOMING MEETINGS****16.1 Next Regular Meeting Scheduled for Friday, March 20, 2020 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC**

Trustees confirmed that the next regular LTC meeting is scheduled for March 20, 2020 at 11:30 AM at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

ADOPTED

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:34 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder