

Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: September 9, 2022
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
Katherine Vogt, Recorder

Others Present: Approximately thirty (30) members of the public in am
Approximately fifteen (15) members of the public in pm.

1. CALL TO ORDER

Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She welcomed Trustees, Staff, and members of the Advisory Planning Commission, Delegation participants, and members of the public.

2. APPROVAL OF AGENDA

It was clarified that Item 6.2 had been added as an addendum based on a late received letter; and, that the Delegation presenter for Item 6.2 would be Aileen Fearman, not Jeff Zamluk. **By general consent** the agenda was adopted as amended.

3. RISE AND REPORT

3.1 In-Camera Meeting of June 10, 2022 - Presentation by Ministry of Indigenous Relations and Reconciliation

Chair Fast reported that an information briefing was given to Trustees by the Ministry of Indigenous Relations and Reconciliation at the In-camera meeting of June 10, 2022.

4. REPORTS

4.1 Trustee Reports

Trustee Scott reported on the following:

- Recent work and meetings with Karen Ross, MLA Josie Osborne, and Minister of Transportation and Infrastructure, Rob Fleming, regarding Hornby ferry service improvements. Next summer, the Quinitsa will be moved to Hornby Island and the Khaloke will be moved to Denman Island, so there will be two ferries servicing Denman Island.
- A recent meeting with the Hornby Island Advisory Planning Commission (APC).
- A recent meeting with the Hornby Island Short Term Rental Association (HISTRA).

- The need for more community meetings.

Trustee Allen reported on the following:

- Attendance at an annual meeting on July 25 with the Regional District and Denman Island at which it was considered to revisit noise bylaws to address helicopters, drones, and other new noise issues.
- The Shingle Spit Boat Launch applied for two Provincial grants but did not achieve them; they are looking to partner with B.C. Ferries.
- Participation on and attendance at a recent meeting of the Islands Trust Standing Committee on Governance at which some exciting new recommendations were achieved for consideration at the upcoming Trust Council meeting.

4.2 Chair's Report

Chair Fast reported on the following:

- The upcoming Trust Council meeting from September 20 to 22 will be livestreamed and on Zoom to allow for public participation.
- Attendance at the executive Committee meeting to set the agenda for the upcoming Trust Council meeting.
- Attendance at recent meetings on Denman Island regarding farm regulations, and on Gambier Island and Bowen Island.
- Attendance as Vice-Chair at the August 25, 2022 Islands Trust Conservancy meeting.
- The Islands Trust Conservancy Natural Areas Tax Exemption Program.

4.3 Electoral Area Director's Report

None.

5. TOWN HALL

Members of the public spoke on the following:

- The APC and the Islands Trust deserve thanks for providing upcoming community information meetings on the recent APC recommendations regarding short term vacation rentals. These community meetings need not be adversarial.
- Tourism is an important economic driver for Hornby Island and nature needs to be honored also; the APC process and upcoming public consultation is appreciated, and a return to Zoom would be favorable.
- Further bylaws may make it unaffordable for some property owners to build even a modest dwelling. The recent APC recommendations will not solve the housing problem but will punish those who follow the rules while those who flout the rules will be pushed underground.
- Zoom meetings are a favorable green initiative that reduces car travel; also, a vacation rental has been necessary to this resident's ability to live on the island for 38 years. Short Term Rental providers take good care of the island.
- It is requested that the Islands Trust work with the Ministry of Transportation and Ratepayers regarding safety issues on Hornby Island roads; in particular, at Ford's Cove where in the summer, neither the firetruck nor the bus can safely navigate through the maze of cars and pedestrian traffic; and, the bus is often unable to meet its schedule obligations which contributes to a decline of ridership and increased car traffic.
- Water needs to be gathered responsibly by Short Term Rental providers because presently, wells are suffering.

- Critical Income and housing for many Hornby residents could be ruined by removing the opportunity to home share.
- The natural environment of Hornby Island is being destroyed by excessive tourism. Trees are dying and there are problems with excessive water usage by tourists negatively impacting neighboring wells.
- How will the next generation's ability to live on and enjoy Hornby Island be considered alongside environmental concerns?
 - Trustee Allen reported that the next community consultation meeting would be by Zoom.
 - Chair Fast added that the Islands Trust was looking into the budget possibilities for increased connectivity for hybrid meetings.
 - Trustee Scott expressed that the community needed to become better informed about how the Trust operates.

6. DELEGATIONS

6.1 Hornby Island Short Term Rental Association Presentation (HISTRA)

Speaking for the members of HISTRA and many other residents, Eulala Mills presented a response to the March 2022 APC recommendations on Short Term Rentals (STRs), noting the following:

- HISTRA endorses the removal of 14 of the APC recommendations regarding STRs from the current Official Community Plan (OCP) updating project.
- STRs were previously endorsed for inclusion in the OCP after extensive community consultation in 2011 and 2017.
- Limiting STRs will negatively impact long-term housing affordability and availability, not improve it: the data does not support that STRs push out long-term renters.
- Most STR operators are members of the community that need extra income to maintain their properties and could be forced to sell if they lost their STR.
- STRs make up only 9% of the visitor accommodations on Hornby and account for only 20% of all estimated visitors so they cannot be held solely responsible for the water and septic problems on the island.
- Most STRs are proactively managing rainwater collection, septic and recycling issues.
- The APC recommendation for an STR count structure is made redundant by recent Provincial STR reporting requirements.
- There is not a good rationale for Temporary Use Permit (TUP) requirements proposed for STRs, given that most STRs are compliant with existing bylaws.
- The APC proposal to reduce the rental time frame by 2 months could cut \$1.2 million a year from the Hornby economy while providing no other positive offset benefit.
- HISTRA, along with local Trustees and the wider community, can manage STRs sustainably going forward.
 - A Trustee noted that it would be beneficial for the information pages on the HISTRA website regarding STR bylaws and regulations to be made more accessible.

6.2 Housing & Short Term Rental Recommendations by APC – Aileen Fearman

Aileen Fearman, co-owner of Fossil Beach Farm with husband Jeff Zamluk, read out her recent letter addressed to the Local Trust Committee (LTC) describing the efforts made to maintain the financial viability of their historic, century old 80-acre farm parcel on Hornby, emphasizing that any new local Trust regulations could be devastating to their current business operations. The following was noted:

- The farm had been planned with the OCP and community in mind; also, it must regularly negotiate Regional District, Agriculture Land Commission, Islands Trust, BC Liquor Branch and Island Health regulations and inspections.
- Without any previous consultation, Lerena Vineyards and Fossil Beach Farm were targeted in recent APC recommendations as needing to be regulated.
- We lease our farmland to a local rancher and purchase the beef from him to sell at Fossil Beach Farm outdoor kitchen.
- We have worked with farm planners to manage pastures with riparian areas.
- Our livestock drinking water is taken from a holding pond lined with non-permeable clay and charged by winter precipitation.
- We are licensed for 10 low impact dwellings on 80 acres, but we have opted to limit this to 7 to reduce environmental impact.
- Adult guests are capped at up to 16 at any one time and all guests receive an environmental impact information package.
- We utilize a community water system regulated by Island Health and monitor it digitally on a constant basis.
- Our septic is Island Health approved for a 150-person system and highly maintained and monitored.
- Our various business operations contribute approximately \$300,000 into the local economy by providing jobs and purchasing of local products

A Trustee noted that the recent STR recommendation by the APC were advisory and that the APC perhaps inadvertently concluded that Lerena Vineyard and Fossil Beach Farms, created after OCP bylaws were in effect, could benefit from the same sort of special regulatory structure applied to such operations as Bradsdadsland and others initiated before OCP bylaws came into effect.

Regional Planning Manager Kauer clarified that the TUP bylaw was being interpreted to allow that the 3-year TUP could be renewed once for one other 3-year term; and then a third term would necessitate a brand new TUP application, which could then be further renewed, such that a TUP could theoretically go on indefinitely; but, in practice, could also be denied; and therefore, might not be an ideal solution for long term operations. Also, if the original intent of the TUP bylaw contradicted this interpretation, it could be useful to revisit the original bylaw.

A Trustee expressed that TUPs were not ideal for long term economic investments and that a better low-cost permit option was needed for STR investments.

Chair Fast noted that the Province allows business licenses to be issued on Bowen Island.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated November 26, 2021 - for adoption

By general consent the Local Trust committee meeting minutes of November 26, 2021, were adopted as presented.

7.2 Local Trust Committee Minutes dated June 10, 2022 - for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 4.1 Trustee Reports, first paragraph, remove the entire fourth bullet.

By general consent the minutes of June 10, 2022 were adopted as amended.

7.3 Section 26 Resolutions-without-meeting Report dated August 31, 2022

Received.

7.4 Advisory Planning Commission Minutes dated August 10, 2022 - for receipt

APC Chair Wendy Burton clarified for Trustees that the two major Hornby Island riparian reports recently studied by the APC were determined to be complementary rather than conflicting.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated August 31, 2022

Received.

9. APPLICATIONS AND REFERRALS

9.1 HO-TUP-2022.1 (Baird - 6060 Central Road) - Staff Report

Regional Planning Manager Kauer presented the staff report prepared by Planner Anthony Fotino that recommends that Trustees approve the renewal of a TUP for a juice bar with occasional vendor tables on a parcel of Agricultural Land Reserve (ALR) land, subject to Agricultural Land Commission and *Water Sustainability Act* conditions.

Chair Fast noted that a late letter regarding the application had been received yesterday.

HO-LTC-2022-042

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee permit conditions for the Temporary Use Permit HO-TUP-2021.1 be amended from a total of forty (40) vehicle parking spaces to a total of twenty (20) vehicle parking spaces shall be provided on site designed to the standards of Hornby Island Land Use Bylaw No. 150, 2014.

CARRIED

HO-LTC-2022-043

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2022.1, as amended, for a seasonal juice bar and outdoor seasonal vendor tables for a period of three (3) years from the date of issuance to September 30, 2025.

CARRIED

9.2 HO-DVP-2022.2 (Wall - 6845 Anderson Drive) - Staff Report

Regional Planning Manager Kauer presented the staff report prepared by Planner Stephen Baugh that asks Trustees to consider approval of the Development Variance Permit that would permit an existing dwelling and cabin to be within the 15-metre setback to the natural boundary of the sea and that would permit an existing cabin and walkway to be within the 3-metre setback to the interior side lot line.

HO-LTC-2022-044

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DVP-2022.2.

CARRIED**9.3 HO-DVP-2022.3 (Wyndham - 975 Mount Road) - Staff Report**

Regional Planning Manager Kauer presented the staff report prepared by Planner Stephen Baugh that asks Trustees to consider approving the Development Variance Permit to permit existing structures on the property to be within the 30-metre setback to a wetland area.

HO-LTC-2022-045

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DVP-2022.3.

CARRIED**9.4 HO-DP-2022.3 (M'akola Development Services - 5040 Central Road) - Staff Report**

Regional Planning Manager Kauer presented the staff report prepared by Planner Anthony Fotino that asks Trustees to consider approving the development permit for 26 units of affordable housing and other associated structures.

HO-LTC-2022-046

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2022.3.

CARRIED

The Local Trust Committee thanked Beulah Creek Housing for their extensive and dedicated work on this project.

By general consent, the meeting recessed at 12:48 pm and reconvened at 1:19 pm.

10. LOCAL TRUST COMMITTEE PROJECTS**10.1 Term End Projects Report - Staff Report**

Regional Planning Manager Kauer prepared and presented the staff report that asks Trustees to consider restructuring their 'Top Priorities' and 'Projects' list for the end of the current term; and, to consider adopting the Model Strategy for Antennae Systems, noting the following:

- Regarding upcoming planned community meetings, the hybrid Zoom/In Person meeting format is the most technologically challenging meeting format; and the meeting venue on Hornby does not have Wi-Fi.
- Given a limited budget and that Trustees are not permitted to conduct informal meetings, it may be helpful to create a community association to conduct a series of meetings for a final report for Trustees, such as has successfully occurred on Lasqueti Island.

A Trustee noted the upcoming September 29, 2022 Kòmox First Nations virtual open house.

President of the Hornby Island Resident and Ratepayers Association (HIRRA), Daniel Siegel, noted that HIRRA had the capacity and willingness to record any future community meetings; and, that Telus provides only one upload speed which does not support hybrid meetings. The solution for hybrid meetings is the upcoming City West fiber optic rollout.

Karen Ross noted that the school was the only place on Hornby Island that currently has fiber optic connectivity.

HO-LTC-2022-047

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee replace the 'Fords Cove Consultation Project' on the Projects List with the 'Fords Cove Neighborhood and Transportation Plan Project.'

CARRIED

HO-LTC-2022-048

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add the 'Four Corners Neighborhood Plan Project' to the Projects List.

CARRIED

HO-LTC-2022-049

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add the 'Four Corners Neighborhood Plan Project' to the Top Priorities List.

CARRIED

HO-LTC-2022-050

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request Staff to draft a letter to the Ministry of Transportation and Infrastructure requesting them to initiate a planning process to address serious safety and transportation concerns near Fords Cove.

CARRIED

HO-LTC-2022-051

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to draft a report on amending the Land Use Bylaw to consider allowing chickens but not roosters in all zones and to add this to the Projects List.

CARRIED

HO-LTC-2022-052**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee move the 'Watershed Protection and Groundwater Preservation' priority to the Projects List with a note regarding its absorption into the Trust-wide 'Freshwater Sustainability Project.'

CARRIED**HO-LTC-2022-053****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.

CARRIED

Regional Planning Manager Kauer noted that the Model Strategy federally compels companies to engage in extensive public consultation before installation of cell towers.

HO-LTC-2022-054**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List,' as amended on September 8, 2022, for further consideration by the incoming Local Trust Committee.

CARRIED**HO-LTC-2022-055****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the amended Hornby Island Official Community Plan amendment review Project Charter, including requesting \$15,000 for consultants to draft bylaws.

CARRIED**HO-LTC-2022-056****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff revise the business case consistent with the amended project charter.

CARRIED**HO-LTC-2022-057****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the revised business case for the Hornby Island Official Community Plan Amendment Review Project and forward to the Financial Planning Committee for consideration in the 2023/2024 budget.

CARRIED**HO-LTC-2022-058****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee requests that the first consultation workshop be a Zoom meeting to be held in the evening before October 15, 2022.

CARRIED

Chair Fast, Trustee Allen and Trustee Scott thanked Regional Planning Manager Kauer for her wonderful work over her term with the Islands Trust and wished her all the best in future endeavors.

11. CORRESPONDENCE - none

12. NEW BUSINESS**12.1 Islands Trust Conservancy 3 Year Plan – Briefing**

Chair Fast, speaking as the Vice-Chair of the conservancy, conveyed that the rationale for the Islands Trust Conservancy to create a 3-year plan instead of a 5-year plan was to provide for greater public input. She noted that the Conservancy presently held 112 conserved properties.

Trustee Scott questioned the rationale for the Islands Trust to be duplicating what other conservancies and nature trusts were doing.

- Chair Fast suggested that this would be a good question for Trust Council.

13. REPORTS**13.1 Trust Conservancy Report dated May 24, 2022**

Received.

13.2 Applications Report dated August 31, 2022

Received.

13.3 Trustee and Local Expense Report dated June, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

Received

13.5 Local Trust Committee Webpage**14. WORK PROGRAM****14.1 Top Priorities Report dated August 31, 2022**

Received.

14.2 Projects List Report dated August 31, 2022

Received.

15. INFORMATION ITEMS**15.1 Sea Duck Atlas**

<https://seaduckjv.org/science-resources/sea-duck-key-habitat-sites-atlas-narratives/>
https://seaduckjv.org/atlas/pdf/narrative_site2_508.pdf

15.2 The Climate Projections Report for Islands Trust Area

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area-report-2020/>

15.3 2022 Community Stewardship Awards**15.4 Conservancy Current Campaigns**

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

15.5 Resources for Candidates in 2022 Local Election

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/#1655569833235-b0159421-d58a>

15.6 **September 2022 Islands Trust Council Quarterly Meeting Announced**
<https://islandstrust.bc.ca/document/august-16-2022-september-2022-islands-trust-council-quarterly-meeting-announced/>

15.7 **BC Gov News - Public Invited to Learn More About Proposed Treaty With K'omoks First Nation**
<https://news.gov.bc.ca/releases/2022IRR0052-001296>

16. **UPCOMING MEETINGS**

16.1 **Next Regular Meeting Scheduled for Friday, November 25, 2022 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC**

17. **CLOSED MEETING**

17.1 **Motion to Close the Meeting**

By general consent the regular meeting was closed at 2:43 pm.

HO-LTC-2022-059

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), (d) and (f) for the purpose of considering (a) Appointment of Advisory Planning Commission Members and Board of Variance Members and (d) adoption of In-Camera Meeting Minutes dated May 6, 2022 and June 10, 2022 and (f) Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

17.2 **Recall to Order**

The regular meeting was not recalled to order.

17.3 **Rise and Report**

None.

18. **ADJOURNMENT**

By general consent the meeting was adjourned at 3:00 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder