



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: July 5, 2019
Location: New Horizons
 1765 Sollans Road, Hornby Island, BC

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

Staff Present: David Marlor, Director Local Planning Services
 Jaime Dubyna, Planner 2
 Bronwyn Sawyer, Planner 2
 Miles Drew, Bylaw Compliance and Enforcement Manager
 Vicky Bockman, Recorder

Others Present: Approximate sixty (60) 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 11:36 am. She acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

HO-2019-051

It was **MOVED** and **SECONDED**,
 that Hornby Island Local Trust Committee approve the agenda as presented.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported that he attended the following:

- Trust Council on Galiano Island;
- A septic system workshop.

Trustee Scott reported that he has had many conversations with community members regarding items on today's agenda.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- Trust Council;
- Executive Committee meeting where work was conducted on the Strategic Plan and climate action;
- Denman Island Local Trust Committee.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- Bylaw Enforcement Notification (BEN) Bylaw
 - Adoption was supported to protect groundwater;
 - Adoption was supported by the Sustainability Group and other individuals to address Vacation Home Rental (VHR) concerns;
 - Consideration should be deferred: explanation and community consultation should be conducted;
 - A Bylaw Enforcement Policy Standing Resolution should be created to address concerns of enforcing on non-conforming housing;
 - Should be referred to the Advisory Planning Commission (APC);
 - Adoption was opposed; a review of the impact on the community is needed;
 - A review of the Official Community Plan (OCP) should be undertaken as too many regulations are not reflective of the community's way of life at this time;
 - The list of infractions is too large and needs to be prioritized and limited to the most offensive infractions;
 - Adoption was not supported as it will affect people with limited means and small lots disproportionately and create ill feelings toward the Islands Trust;
 - Adoption was supported as voluntary compliance is not effective enough;
 - Deferral of decision was supported until September; consideration of the bylaw should not be deferred until after OCP and Land Use Bylaw (LUB) reviews as they can take years to complete;
 - Adoption after more community consultation was supported as it will give the Trust a tool to gain compliance without litigation and would still be a complaint-driven process.
- Ford's Cove Development Variance Permit (DVP) Application
 - A number of individuals voiced support for the application
 - Supported as current revisions to the number of parking spaces will make it safe;
 - Expanding the store and restaurant is supported;
 - Not supported as septic capability has not been demonstrated, parking is inadequate, the number of proposed restaurant seating is too large, water usage has not been addressed;
 - Not supported given the number of non-compliant issues addressed in the Staff Report on today's agenda;
 - Support for the recommendations in the Staff Report; Concerns were expressed regarding the size of the expansion of the building and level of services required, fire protection due to parking congestion, infringement on public areas, foreshore development given predicted sea level rise;
 - Consultation should involve entire community not just the neighbours.

- Other Topics
 - David Wiseman, the applicant for HO-RZ-2018.1, urged the LTC to approve his application, providing background and rationale to support this request;
 - Septic systems are not being adequately inspected;
 - Solar, wind and water collection should be encouraged;
 - Sewage problems are island-wide; the Trust should assist with upgrades to systems in need;
 - Climate change actions must be put into operation in a year or less;
 - The Local Trust Committee (LTC) was urged to expedite an application for a concert proposed to be held in August at the Isla de Lerena Vineyard;
 - Requirement for VHR signs on roads was opposed as it does not reflect Island culture.

By general consent the meeting recessed at 1:22 pm and reconvened at 1:52 pm.

5. MINUTES

5.1 Local Trust Committee Minutes dated May 24, 2019 - for adoption

HO-2019-052

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee adopt the Local Trust Committee minutes dated May 24, 2019.

CARRIED

5.2 Section 26 Resolutions-without-meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List Report dated June 27, 2019

Received.

6.2 First Nations Relationship Building Action - for discussion

HO-2019-053

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee postpone item 6.2 First Nations Relationship Building Action until the September 13, 2019 meeting.

CARRIED

7. DELEGATIONS

7.1 Hornby Island Community Economic Enhancement Corporation regarding Hornby Vacation Rentals - looking to the future

John Heinegg and Karen Ross spoke on behalf of the Hornby Island Community Economic Enhancement Corporation (HICEEC), objecting to the BEN bylaw having received three readings in one meeting and the potential effect it could have on VHRs which are a significant economic driver on Hornby Island. They requested more community consultation and an analysis of the economic impact of wholesale enforcement, a review of the scope of the bylaws, and a referral to the APC.

8. APPLICATIONS, REFERRALS and BYLAWS

8.1 Hornby Island Local Trust Committee Bylaw No. 159 (BEN) - for consideration of adoption

Bylaw Compliance and Enforcement Manager Drew provided a summary of the BEN system and noted that it would facilitate compliance of unlawful land use activities and assist in performing the LTC's request for proactive enforcement of VHRs. He clarified that the system is generally complaint-driven with the exception of specific circumstances that were outlined.

Trustees discussed possible options to address the proposed BEN Bylaw.

HO-2019-054

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee refer Vacation Home Rentals to the Advisory Planning Commission requesting review of Vacation Home Rental bylaws and draft recommendations for an Enforcement Policy, and report back to the Local Trust Committee by January 1, 2020.

CARRIED

HO-2019-055

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to present information about the bylaw enforcement process and the Bylaw Enforcement Notification Bylaw at an evening Community Information Meeting in the Community Hall.

CARRIED

8.2 HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) - Staff Report

Planner Sawyer presented a summary of the Staff Report that asks the LTC to consider a DVP application (Fredbeck, Ford's Cove Marina). She outlined the eight variances required to authorize existing and proposed development and provided background for staff's recommendation to defer consideration pending receipt of a flood hazard assessment and professional confirmation that the building will not interfere with natural coastal processes.

Chair Fast invited the applicant to comment.

Ronaldo Cruz described the proposed renovations and commented that, from what he understood, the footprint of the store did not change, an application has been made to make alterations to a legal non-conforming building, the septic system has been upgraded, the intent is to cluster the various elements into one building, and the outside wall has been designed by an engineer with potential impact of water given consideration. He asked for minor changes to the size of the kitchen and that the archeological information not be required to be on title.

Trustees discussed the proposed DVP with the following noted items:

- Parking is a safety issue, however there are multiple users of the parking in this busy area;

- It might be appropriate to work on the item in the Projects List: “Ford’s Cove Consultation” to address parking and other complex issues in the area;
- The store is important to the community and the application process has been lengthy;
- The recommended assessment and confirmation of potential coastal processes was not supported as the building is already existing;
- Concern was expressed regarding the size of the proposed restaurant and it was suggested that a reduced number of seats might be permitted until such time as the Ford’s Cove Consultation project takes place when it might be reconsidered. Twenty four of the proposed parking spaces would support a 48-seat restaurant.

By general consent the meeting was recessed at 3:33 pm and reconvened at 3:46 pm.

HO-2019-056

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee approve issuance of HO-DVP-2018.1 (Fredbeck, Ford’s Cove Marina) with the exception of the variance for the parking.

CARRIED

8.3 HO-TUP-2018.1 (Baird, 6060 Central Road) - Staff Report

Planner Dubyna summarized the Staff Report that asks the LTC to consider a request for a Temporary Use Permit (TUP) to enable a seasonal juice bar and outdoor vendor tables. She advised of a minor correction to the size of the structure proposed and noted that the twenty parking spaces specified in the Site Plan should be removed, noting that the LUB requires that a total of forty parking spaces be provided for all uses on the lot.

In discussing the proposal, Trustees considered that the twenty parking spaces provided on the site would be adequate for the addition of the juice bar and vendor tables.

HO-2019-057

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to amend the Site Plan to 160 square feet instead of 180 square feet, parking spots be removed, the number 18 be replaced with the number 16 on the Site Plan and the square meterage reflect that as well, and that section ‘e’ of the permit regarding parking be removed.

CARRIED

HO-2019-058

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2018.1 for a seasonal juice bar and outdoor seasonal vendor tables for a period of three (3) years from the date of issuance, as amended.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan and Land Use Bylaw Amendments Project - Staff Report

Planner Dubyna summarized the Staff Report that asks the LTC to consider separating the project into two phases: Phase 1 - Minor technical OCP/LUB amendments and Phase 2 - Major OCP/LUB amendments. She advised that a revised Project Charter is provided

for consideration of LTC endorsement and suggested that staff might commence preparation of a draft OCP and LUB amendment bylaw for the proposed Phase 1 of the project.

HO-2019-059

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee endorse the revised "Official Community Plan and Land Use Bylaw Amendments Project" Project Charter v 2.1 dated July 5, 2019.

CARRIED

HO-2019-060

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Official Community Plan Bylaw No. 149, 2014.

CARRIED

HO-2019-061

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Land Use Bylaw No. 150, 2014.

CARRIED

10. CORRESPONDENCE

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

10.1 Letter dated June 23, 2018 from Tony Law regarding Vacation Home Rental Regulations

HO-2019-062

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee refer the letter dated June 23, 2018 from Tony Law regarding Vacation Home Rental Regulations to the Advisory Planning Commission for their consideration on the Vacation Home Rental Review project.

CARRIED

11. NEW BUSINESS

11.1 Trust Council Climate Change Resolution - for information

HO-2019-063

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee postpone item 11.1 Trust Council Climate Change Resolution until the September 13, 2019 Local Trust Committee meeting.

CARRIED

11.2 Board of Variance Appointments - Memorandum - for decision**HO-2019-064****It was MOVED and SECONDED,**

that Hornby Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Hornby Island Board of Variance for a three-year term effective July 27, 2019.

CARRIED**11.3 Model Cell Tower Consultation Process – Briefing****HO-2019-065****It was MOVED and SECONDED,**

that Hornby Island Local Trust Committee postpone item 11.3 Model Cell Tower Consultation Process until the September 13, 2019 Local Trust Committee meeting.

CARRIED**11.4 Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report****HO-2019-066****It was MOVED and SECONDED,**

that Hornby Island Local Trust Committee postpone item 11.4 Screening Officer Policy (Bylaw Enforcement Notification – BEN) until such a point as there is a Bylaw Enforcement Notification bylaw in place.

CARRIED**12. REPORTS****12.1 Trust Conservancy Report dated May, 2019**

Received.

12.2 Applications Report dated June 27, 2019

Received.

12.3 Trustee and Local Expense Report - none**12.4 Adopted Policies and Standing Resolutions**

Received.

12.5 Local Trust Committee Webpage

There were no changes requested at this time.

13. WORK PROGRAM**13.1 Top Priorities Report dated June 27, 2019****HO-2019-067****It was MOVED and SECONDED,**

that Hornby Island Local Trust Committee request staff to update the wording in item No. 1 “Land Use Bylaw Amendments” to reflect the wording in agenda item 9.1 Official Community Plan and Land Use Bylaw Amendments Project - Staff Report.

CARRIED

13.2 Projects List Report dated June 27, 2019

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 13, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

LTC members confirmed the next regular meeting date, time and location.

15. ADJOURNMENT

By general consent the meeting was adjourned at 4:35 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder