

ADOPTED

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
FRIDAY, FEBRUARY 18, 2011 AT 1:30 PM
AT NEW HORIZONS
1765 SOLLANS ROAD, HORNBY ISLAND BC**

<u>PRESENT:</u>	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Miles Drew	Bylaw Enforcement Coordinator
	Brodie Porter	Island Planner
	Vicky Bockman	Minute Taker

There were twenty-nine (29) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 1:30 pm. She welcomed the public and noted that the meeting was taking place in the traditional territory of the Coast Salish First Nation and recognized their history on the land. Chair Bell introduced the Local Trustees, Islands Trust Planner, Bylaw Enforcement Coordinator and Minute Taker.

2. APPROVAL OF AGENDA

The agenda was approved by consensus with the following additional items:

- Add 13.3 Bylaw Referral Form: Denman Island Local Trust Committee Proposed Bylaw No.: 199
- Add 13.4 Bylaw Referral Form: Denman Island Local Trust Committee Proposed Bylaw No.: 200
- Add 5.4 Email from Nicky Johansen received as Late Correspondence

3. MINUTES

3.1 *Hornby Island Local Trust Committee Meeting Minutes dated December 15, 2010*

The minutes were adopted by consensus with the following amendments:

ADOPTED

- Page 4, first paragraph, first sentence: change text from “Trustee Law reported meeting with the Royal Canadian Mounted Police (RCMP) Regional Director to discuss police services on Hornby Island in the coming year.” to “Trustee Law reported on a meeting with the Royal Canadian Mounted Police (RCMP), Regional Director and HIRRA Executive to discuss police services on Hornby Island in the coming year.”
- Page 4, first paragraph, third sentence: change text from “law enforcement” to “community policing”.
- Page 4, third paragraph, first sentence: change text from “will require” to “will involve”.
- Page 4, fourth paragraph, first sentence: change text from “Agriculture Ministry” to “Agricultural Land Commission”.
- Page 4, fourth paragraph, second sentence: change text from “resistance at the Ministry” to “resistance at the Commission”.
- Page 6, fourth paragraph, first sentence: change text from “has taken time” to “will require time”.
- Page 7, Item 9.3, second paragraph, second sentence: change text from “will take time” to “may take time”.

3.2 *Section 26 Resolutions Without Meeting Log dated February 8, 2010*

Received.

Trustee Law stated that the Salt Spring Island Local Trust Committee has indicated that they would like to thank the Hornby Island Local Trust Committee for making funds available to them to conduct communications on Riparian Area Regulations. They are in the process of creating a package that the Hornby Island Local Trust Committee may find useful as well.

Trustee Bell reported that Michele Jones, a Qualified Environmental Professional, is coming to Denman Island to talk about the provincial Riparian Area Regulation and that Hornby Islanders are invited to attend that meeting. More information will be forthcoming.

3.3 *Advisory Planning Commission Minutes*

None.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated February 8, 2011

Planner Porter presented the Follow-up Action List.

5. CORRESPONDENCE

5.1 Email dated January 19, 2011 from Kati Marshall regarding Bylaw Enforcement Policy for Short Term Vacation Rentals

Received.

5.2 Email dated January 28, 2011 from Amy Robertson regarding Short Term Vacation Rentals

Received.

5.3 Letter dated February 7, 2011 from the Hornby Island Water Stewardship Project regarding Comments on Draft Staff Report on Short Term Vacation Rentals

Received.

5.4 Email dated February 10, 2011 from Nicki Johansen regarding Short Term Vacation Rentals.

Received.

6. TRUSTEES' REPORT

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. He thanked staff for attending and Helen Grond for arranging the meeting.

Trustee Hunt gave an update on an Islands Trust video project to record Hornby Island's history which will include where it is at the moment and where it is going. He noted that Margaret Sinclair, island archivist, is willing to take part and Andrea Lebowitz is presently organizing Hillary Brown's papers.

ADOPTED

Trustee Hunt said that he had heard from Sherry Stevens of the Hornby/Denman Island Grapevine newsletter. She indicated that she has space available and would welcome articles from Hornby Islanders on any topic.

Trustee Hunt reported that Stewardship Awards have been announced for 2011, stating that nominations are welcome. The deadline is April 29, 2011 and forms are available on the Islands Trust website or by contacting Trustees Law or Hunt.

Trustee Law expressed his appreciation for the short term vacation rental meeting last night.

Trustee Law gave an update of Ferry Advisory Committee business, stating the proposed cable ferry is proceeding with regulatory requirements and if those are met there will be community meetings. Shingle Spit and Gravelly Bay docks will be down for two weeks in October after Thanksgiving. He outlined preliminary plans for ferry traffic during the outage, stating there will be a consultation which will include community feedback.

Regarding possible ferry fare increases, he stated that the province must decide between March and June on the level of provincial support for the ferry system for the 2012-2016 period. BC Ferries is anticipating increases of up to 50% if the province does not provide additional subsidies. This issue is getting significant coverage in the media and the Union of British Columbia Municipalities may be lobbying for the cause. Trustee Law stated it is important to give views on this issue.

Trustee Law reported on Comox Valley Housing and Homelessness Committee matters, stating that as the province is most likely to fund projects which have identified a strategic approach, they are working on creating such a strategy. Additionally, they are addressing transition housing with BC Housing and are hoping to coordinate an approach with all major funding agencies.

7. CHAIR'S REPORT

Chair Bell reported that the Islands Trust Executive Committee has met three times since the last regular business meeting of the Hornby Island Local Trust Committee. She detailed some of the many business items handled by the Executive Committee. Public consultation materials for the proposed budget for the Islands Trust for 2011-2012 were posted on the Islands Trust website in late January. Comments must be received before March 4, 2011 to be considered at the March Trust Council meeting. She also reported that the Financial Planning Committee had passed a resolution to alter the budget recommendation that it will make to the Trust Council at its March meeting, so that the tax increase is reduced to 2.2%. This figure represents an increase of about \$6 for an average Islands Trust property assessed at \$450,000.

8. DELEGATIONS

None.

9. TOWN HALL SESSION

Janet LeBlancq stated that she is working with Islanders' Secure Land Association on affordable housing issues. She indicated that doing the necessary rezoning will cost \$5,000 and inquired if Islands Trust may be able to help by waiving some portion of the cost of the rezoning.

Chair Bell replied that it is possible for Islands Trust to assist if the request meets certain criteria.

Trustee Law stated that rather than come out of Local Trust Committee's resources, funds may come from Islands Trust Executive Committee.

Tony Quin wished to speak regarding the Hornby Island Resort Ltd. rezoning application.

Chair Bell reminded Mr. Quin that as this topic is now post Public Hearing, the Local Trust Committee cannot hear new facts and cannot hear opinions.

Tony Quin stated that he had previously expressed his approval of the proposal, however as the consideration of the use of the existing parking lot is no longer a requirement, he is withdrawing his approval.

Carol Quin spoke regarding the procedures involved in processing applications for rezoning or proposals, specifically regarding changes that are made after public hearing. She suggested the Local Trust Committee explain how good planning decisions can be made when things are changing in the process of that application, hoping that all are aware of any new information before decisions are made.

Trustee Law advised that a second public hearing can be held if there is more information for consideration after the initial public hearing.

Donna Tuele thanked the Hornby Island Local Trust Committee for all the opportunities that have been presented to discuss short term vacation rentals. She encouraged Trust officials to consider an option requiring bylaw amendment even though it may not be approved by the Executive Committee.

Cathie Howard stated that Hornby Water Stewardship Project Committee feels

ADOPTED

that some older residences should not be allowed to be rented without adequate septic systems and proposed a fund be created to help people without acceptable septic treatment. She suggested that an infrastructure grant or possibly a partial loan would be useful and cautioned that litigation over possible health issues may be an outcome if this issue is not addressed. She requested the Hornby Island Local Trust Committee look into the assistance possibility.

Chair Bell responded that Islands Trust does apply for grants and has applied for an infrastructure planning grant. Comox Valley Regional District can assist with infrastructure grants and she is aware that Denman Island did receive one. She recommended the Hornby Water Stewardship group initiate discussion with the Regional District in this regard.

Trustee Law stated that it is his understanding that grants are awarded for infrastructure owned by local governments and that it is difficult to find funding for individual properties. He agreed with Chair Bell that it is a Regional District issue.

Helen Grond stated that a small working group of people interested in short term vacation rentals has met and feels that the current situation works well and thinks the status quo should be kept. It is her opinion that the intention of the Hornby Island Official Community Plan was to have this as a permitted use on Hornby Island and as an accessory use. The situation on Hornby is unusual and the importance of tourism and visitors is recognized. Short term vacation rentals have been such an economic benefit to so many and the proposals being considered could make it very difficult for some to do it. The proposed changes are restrictive and may require a bylaw change. She feels there needs to be community support for this.

Ruth Goldsmith said she appreciates all work that has been done on the short term vacation rental issue, however would like to clarify the permitting process, for example, is it necessary to reapply every three years for a Temporary Use Permit, what procedural requirements would there be, and where will the money raised from these permits go? Further, she acknowledged the different designations of short term vacation rentals including residential, home occupation, and commercial, noting that when a rental is advertised it becomes a commercial vacation rental. In her opinion, no one can rent without some kind of advertisement which would make all rentals commercial by definition.

Chair Bell responded that Trustee Law's suggestions have been considered by staff and will be considered in our upcoming discussion. A Temporary Use Permit allows commercial use on a temporary basis for three years and can be renewed for an additional three year period for a smaller fee. Subsequent to the renewal, a reapplication is required. The purpose of having a time limit is that it allows the Local Trust Committee to hear from people that may have been concerned during the prior three-year period regarding issues of health, noise or

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other issues. The fees collected for the permits go to Islands Trust by a designated process.

Judy Cross requested clarification of the term “site specific zoning” which is found on page 143 of the agenda package within item 6.5.2.7 of the Draft Hornby Island Official Community Plan.

Planner Porter responded that this is a reference to an individual property and a zone specific to that property as opposed to subdivided lots and that a new category is possible for short term vacation rental properties.

10. APPLICATIONS AND PERMITS

10.1 *HO-RZ-2009.2 (Hornby Island Resort Ltd.)*

Planner Porter provided a status update on the proposed application. He stated a draft covenant has been completed which will come to the Hornby Island Local Trust Committee for consideration.

In response to discussion, Planner Porter reminded those present that the public should not rely on a plan as a confirmation that the property would develop in that manner. The actual development design would be addressed in a Development Permit which has not yet been started. Discussion ensued regarding the parking and Planner Porter stated that the Development Permit application would require an outline of parking design characteristics and that it would have to comply with zoning bylaw requirements. If the Development Permit was issued, the applicant would also be required to apply for a Siting and Use Permit, which also addresses parking. Further, the bylaw that was tabled at the Public Hearing outlined public uses for property but did not establish inter-relationship with the list of uses and the applicant could choose any of those uses for establishment on the property. There is no obligation in terms of development and no obligation to fulfill what was presented at the public hearing.

Planner Porter stated that if the Local Trust Committee wants further exploration based on facts being presented today, another Public Hearing could be held and discussions to change the bylaw might be necessary. He estimated this could take an additional time of approximately two to three months. The Trustees felt it would be beneficial to have discussion with the applicant in order to determine if additional information is desired.

The Hornby Island Local Trust Committee asked staff to advise the applicant of the discussion and invite him to attend the next Local Trust

Committee business meeting on March 23, 2011.

11. **LOCAL TRUST COMMITTEE PROJECTS**

11.1 *HO-OCP-2009.2 (Short Term Vacation Rental Implementation Policy) Staff Report dated February 9, 2011*

Planner Porter presented the Short Term Vacation Rental Implementation Policy Staff Report dated February 9, 2011, outlining the five categories of options available to the Local Trust Committee. Some options could conflict with the Trust Policy Statement; others would require bylaw amendments, or create a new community vision requiring community input and changes to the Official Community Plan (OCP). He commented that this work is central to the work on the OCP and suggested that the Local Trust Committee consider moving this issue up to the first priority with further work on OCP and land use bylaws being second.

A discussion followed considering the various options, the principles and community objectives involved, and the enforcement policy options.

Trustee Hunt reported that he has heard questions in the community regarding why it is necessary to address this now.

Planner Porter responded that from a planning perspective, it must be considered that current bylaws do not allow for vacation rentals. They are occurring with no enforcement. Community and business operators are wondering what the limits are and need to have that definition. This issue needs to be addressed in order to ensure compliance and respect for bylaws. Additionally, this policy is fundamental to the community, and as such should be addressed and managed in order to effectively plan.

Bylaw Enforcement Coordinator Drew emphasized that the current status violates the Land Use Bylaw. This fundamental issue needs to be resolved before other important matters can be resolved.

The Local Trust Committee decided to revise the agenda and address item 11.1.2 before item 11.1.1

11.1.2 *Short Term Vacation Rental Enforcement Policy Staff Report dated February 18, 2011*

Bylaw Enforcement Coordinator Drew presented the Short Term

ADOPTED

Vacation Rental Enforcement Policy Staff Report dated February 18, 2011.

11.1.1 Short Term Vacation Rentals Submission dated January 19, 2011 from Trustee Law

Trustee Law gave an overview of his memorandum on Short Term Vacation Rentals (STVR), prefacing the proposal details by stating that with support and involvement from the community, it is his desire to resolve this issue. He outlined the various difficulties including community concern with Temporary Use Permits, enforcement concerns, Trust Policy Statement compliance, water resources and possible ways to mitigate the concerns. He noted that STVRs can result in changes to communities; however, he recognized that Hornby Island has a long history of being a summer resort and small lots were created as recreation properties as opposed to residential. He suggested that occupancy levels be set according to lot size, as is the case with Bed & Breakfasts (B&Bs) at present.

Bylaw Enforcement Coordinator Drew stated that from a bylaw enforcement perspective enforceability must be clear and made on the basis of evidence. The Coordinator would have difficulty ascertaining evidence of the occupancy levels and with this proposal lots less than 0.25 hectares would still need a Temporary Use Permit.

Planner Porter presented a map which showed relevant size properties that would require Temporary Use Permits under this proposal. He discussed the timing, processing and costs of obtaining the permits, suggesting that fees could be reduced and the process streamlined.

There was a short break from 4:05 pm to 4:15 pm.

Trustee Hunt said that he recognized the importance of short term vacation rentals to the community, both from a historical perspective and from an economic standpoint. He expressed his viewpoint that allowing social networking advertising or owner-managed rentals are concepts that he could support, with Temporary Use Permits being applied for in cases that exceed those parameters. It is his belief that the application process could be made more cost effective and streamlined. He expressed his opinion that enforcement based on B&B occupancy levels would be problematic.

ADOPTED

Chair Bell thanked Trustees Law and Hunt, and staff for work done on this complicated matter and stated that the committee now has all the information necessary to make a decision which will resolve the issue and allow completion of the Official Community Plan work. She explained that the Executive Committee's role is determined by the Islands Trust Act and described the process that would be required should an option be adopted that is contrary to Islands Trust Policy Statement. She acknowledged that it is hard to reach a consensus with issues that involve so many people. However, it is her strong belief that decisions that stand the test of time and take the long view will serve the community well.

HO-001-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws to implement option six (6) of the staff report dated February 9, 2011 with the addition of allowing vacation rentals as a home occupation on lots where this is possible and with reference to the document prepared by Trustee Law dated February 8, 2011.

DEFEATED
Chair Bell and Trustee Hunt opposed

HO-002-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted.

HO-003-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the motion be amended by adding "That staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive."

CARRIED

ADOPTED

HO-004-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the motion be amended by adding “and bylaw enforcement policy is used to enforce the parameters” after summer months in the original motion.

CARRIED

The vote was called on Resolution HO-002-2011 as amended, the final wording being as follows:

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff prepare draft bylaws and/or policy that a) interprets that residential land use includes a level of Short Term Vacation Rental use that is limited by word of mouth and use of social networking sites such as Facebook, is primarily limited to friends and relatives and generally occurs during the summer months, and bylaw enforcement policy is used to enforce the parameters and b) that allows vacation home rentals through a Temporary Use Permit or a rezoning process for those who wish to have Short Term Vacation Rentals that exceed those otherwise permitted, and that staff be requested to provide suggestions of how the Temporary Use Permit can be streamlined and less expensive.

CARRIED

Trustee Law opposed

11.2 HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Staff Report dated February 9, 2011

Planner Porter presented HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Staff report dated February 9, 2011

The Local Trust Committee had the following comments:

- Page 50, Item 3.4 - requested staff clarify the section that begins with “a beaver dam”
- Item 6.5.4 - requested staff reconsider use of the word “residential” as it is confusing
- Page 51 Item 6.1.5 - requested amenity rezoning be kept in and density transfer removed. Item b)i needs rewriting.
- Items 6.1.6, 6.1.7, 6.1.8 and the information note that follows be deleted.

ADOPTED

HO-005-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to complete all of the amendments to the Draft Official Community Plan as recommended in the Staff Report dated February 9, 2011 and that further work on the Official Community Plan and Land Use Bylaw be deferred pending resolution of the Top Work Program Priorities.

CARRIED

The following Resolution No. HO-006-2011 was rescinded at the meeting of March 23, 2011:

HO-006-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee:

1. That given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities Short Term Vacation Rentals that have one or more of the following characteristics will be subject to enforcement:
 1. They are advertised on the internet (except social networking sites such as Facebook), newspapers or other media;
 2. They are not managed by the property owner or long term renter;
 3. More than one dwelling on a lot is simultaneously made available for Short Term Vacation Rental by the same owner or resident;
 4. While the property is rented persons are permitted to stay in tents, trailers, recreation vehicles, or accessory buildings;
 5. There are issues related to health and safety;
 6. There is a written complaint by an owner or resident of nearby properties about bona fide, serious nuisance issues such as noise or parking congestion related to the Short Term Vacation Rental;
 7. The operator of the Short Term Vacation Rental uses more than one property on Hornby Island as a Short Term Vacation Rental
2. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

ADOPTED

3. This enforcement policy will come into affect on February 15, 2012 and until that time no enforcement against Short Term Vacation Rentals will take place except for reasons listed in Sections 1.5 and 1.6.

CARRIED
Trustee Law opposed

HO-007-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that staff be requested to schedule a Community Information Meeting to present draft bylaws for community comment and discussion.

CARRIED

Trustee Law left the meeting.

12. REPORTS

12.1 *Strategic Plan for Local Trust Committees*

No comments.

12.2 *Work Program Reports: Top Priorities Report and Projects List Report dated February 8, 2011*

There was discussion regarding changing the order of items in the Top Priorities Report to reflect the need to complete work on the Short Term Vacation Rentals Regulations Review prior to completing work on the Official Community Plan.

HO-008-2011 It was **MOVED** and **SECONDED** by the Hornby Island Local Trust Committee that the Work Program Top Priorities be amended to move the Short Term Vacation Rentals - Regulations Review to position No. 1 and Official Community Plan and Land Use Bylaw Review to position No. 2.

CARRIED

12.3 *Applications Log - Report dated February 8, 2011*

Planner Porter presented the Applications Log.

12.4 *Trustee and Local Expenses*

12.4.1 *Expenses posted to December 22, 2010*

No comments.

12.4.2 *Expenses posted to January 19, 2011*

No comments.

13. **NEW BUSINESS**

13.1 *Preparations for Meeting with K'omoks First Nation*

13.1.1 *Memorandum dated February 9, 2011*

13.1.2 *Memorandum dated February 2, 2011*

The Local Trust Committee discussed the timelines and meeting plans which have been recommended by the Denman Island and Hornby Island Planners. It is suggested that the meeting be held on Denman Island for logistical reasons, that the expenses be shared by the Denman Island and Hornby Island Local Trust Committees and that it include lunch and small gifts as is customary. Agenda items from all three parties will be solicited.

The Hornby Island Local Trust Committee considered the arrangements agreed upon by the Denman Local Trust Committee and concurred with those arrangements. Further, it was noted that the public should be allowed to attend and observe.

13.2 *Climate Change Pamphlet Proposal*

Trustee Hunt reported that he and Trustee Law had met to discuss the proposed pamphlet draft and make suggestions. The timing of the design, printing and distribution of the pamphlet was discussed.

13.3 *Bylaw Referral Form: Denman Island Local Trust Committee Proposed Bylaw No.: 199*

HO-009-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee return the Bylaw Referral Form regarding Denman Island Local Trust Committee Proposed Bylaw No.199 with a notation that the interests of the Hornby Island Local Trust Committee are unaffected by the bylaw.

CARRIED

13.4 *Bylaw Referral Form: Denman Island Local Trust Committee Proposed
Bylaw No.: 200*

HO-010-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee return the Bylaw Referral Form regarding Denman Island Local Trust Committee Proposed Bylaw No. 200 with a notation that the interests of the Hornby Island Local Trust Committee are unaffected by the bylaw.

CARRIED

14. BYLAWS

None.

15. ISLANDS TRUST WEBSITE

15.1 *Hornby Page*

Methods of communicating the enforcement policy that was adopted today were discussed.

HO-011-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to develop a communications plan regarding the decision made at the February 18, 2011 Local Trust Committee meeting and as outlined in this report for the approval of the Local Trust Committee.

CARRIED

The Local Trust Committee requested that the two Staff Reports of the February 18, 2011 meeting regarding Short Term Vacation Rentals and Official Community Plan Report be posted on the website.

16. NEXT BUSINESS MEETING DATE

The next Local Trust Committee regular meeting will take place on Wednesday, March 23, 2011 at 12:15 pm at New Horizons, 1765 Sollans Road, Hornby Island, British Columbia

17. CLOSED MEETING

ADOPTED

HO-012c-2011 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee close this meeting to the public subject to section 90(1)(g) of the Community charter, and further that Brodie Porter, Island Planner, Miles Drew, Bylaw Enforcement Coordinator, and Vicky Bockman, Minute Taker be invited to attend this meeting.

CARRIED

The meeting was closed to the public at 6:48pm.

18. RECALL TO ORDER

Rise and report from Closed Meeting

The Hornby Island Local Trust Committee reopened this meeting to the public at 7:02 pm

19. ADJOURNMENT

Chair Bell adjourned the meeting at 7:03 pm.

Minute Taker

Chair