



### 3.2 *Local Trust Committee Meeting Minutes dated April 27, 2011*

The minutes were adopted by consensus, with the following amendments:

- Page four, Item 4.1, fourth paragraph: change the text from “and Riparian Areas Regulation climate change” to “Reduction”
- Page five, Item 6, second paragraph, last sentence: change the text from “Chair of the Ferry Advisory Committee has” to “Chairs of the Ferry Advisory Committees have”
- Page five, Item 6, fourth paragraph, first line: change “Local Government Representative of” to “local government representative for”
- Page six, Item 9, fifth paragraph: change “variants” to “variance”
- Page nine, fourth paragraph: change “dialog” to “dialogue”

### 3.3 *Local Trust Committee Special Meeting Minutes dated May 11, 2011*

The minutes were adopted by consensus, with the following amendments:

- Page three, second paragraph: change “Sax” to “Saks”
- Page eight, second paragraph, fifth line: change “address” to “addressed”

### 3.4 *Section 26 Resolutions Without Meeting*

None.

### 3.5 *Advisory Planning Commission Minutes*

None.

## 4. **BUSINESS ARISING FROM MINUTES**

### 4.1 *Follow-up Action List dated May 25, 2011*

Planner Zupanec summarized the Follow-up Action List dated May 25, 2011. She reported that plans for the proposed meeting with the K’omoks Nation were proceeding and that a September date is being considered for that meeting.

Chair Bell reported that, as suggested at a previous meeting, the Denman Island Local Trust Committee will consider the possibility of applying for a community funding grant to assist with expenses associated with that meeting.

#### 4.2 *Food Security in the Islands Trust Area*

There was discussion of the report and how Hornby Island is addressing this issue. Trustee Law noted that as evidenced in Table 6 of the report, Hornby Island has already adopted many policies, reflected in bylaws, which support provisions for food security.

Trustee Law identified the issues of zoning for food and farm equipment storage as possible discussion items for consideration in the review of the Hornby Island Official Community Plan.

The subject of the possible need for an Agricultural Advisory Committee was discussed. It was considered to be unnecessary given the active agriculture/food community groups on Hornby and that in general, land use issues are not arising as important topics for growers at this time.

**HO-039-2011** It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to flag the following issues arising from the report on Food Security in the Islands Trust Area for consideration in the review of the Hornby Island Official Community Plan: farm worker housing, facilities for agricultural processing, and provision under amenity zoning policy for community food storage facilities.

**CARRIED**

#### 5. **CORRESPONDENCE**

None.

#### 6. **TRUSTEES' REPORT**

Trustee Law reported that he had resigned from his position as Executive Director of Hornby Island Community Economic Enhancement Corporation (HICEEC) in response to perceived conflict of interest with his involvement with the Hornby Island Official Community Plan work. He said that the organization has offered the possibility of his participating again in the future, however at this time he felt that disassociating himself from HICEEC would be the cleanest and clearest resolution.

Trustee Law stated that since the last Local Trust Committee meeting he had attended meetings in his role as a Ferry Advisory Committee Chair with the Minister of Transportation, the new Ferry Commissioner and President of BC Ferries to discuss various ferry issues. He said that both the Minister and Commissioner said that they were very impressed with the amount and quality of correspondence they have received from the public on this topic. He provided an update on the authorization of a review of the Coastal Ferry Act which will result in a delay of the final decision on fare increases and will set a price cap for the first year. The issue has received media attention and opportunities for public participation will be monitored and be made known to the community.

Trustee Law said that there is a series of meetings on the environmental assessment process for the Raven Coal Mine presently occurring and that those meetings have been well attended. He also reported that he pursued the subject of Smart Meters with BC Hydro to express concerns that have been communicated about the proposed new program. He advised that BC Hydro is aware of concerns, they are looking at developing a program to reduce exposure to frequencies, and that correspondence, questions and comments are welcomed.

Trustee Law reported that he has arranged a meeting that would include the Royal Canadian Mounted Police, community and public organizations and other businesses to discuss concerns that the community has been expressing about summer incidents on Hornby and to consider plans for addressing those issues.

Trustee Hunt stated that the Islands Trust Community Stewardship Award nominations have been released. He reported that the Hornby New Clinic Committee has been nominated for a group award for their role in planning, coordinating and building the new Hornby Community Medical Clinic which officially opened this weekend.

Trustee Hunt reported that he attended a water catchment workshop recently which was sponsored by the Hornby Island Water Stewardship Committee and involved site visits to four properties using various styles of water catchment. He said that the guest speaker and demonstrations of the systems were very informative and that this is an idea that is gaining popularity on the island.

Trustee Hunt stated that a community information meeting on the topic of vacation home rentals was held on May 21, 2011. He said that the meeting was well attended and that holding the meeting on a long weekend allowed off-island home owners the ability to participate as well.

## **7. CHAIR'S REPORT**

Chair Bell reported on her work with The Executive Committee since the last Local Trust Committee meeting. She described the Executive Committee's response to the Goldstream spill contamination of waters and said that one or two Executive members will be attending the Joint Canada-United States Oil Spill Response Exercise in Washington State in June. She reported on the status of the review of development application fees, stating that the Executive Committee has endorsed a Terms of Reference including appointment of the members of the joint Task Force from the Financial Planning Committee and Local Planning Committee.

Chair Bell advised that the Executive Committee has finalized the agenda for the next Trust Council meeting which will be held June 14 -16, 2011 on Denman Island. She said that the agenda is available on the website, that the public is invited to attend and that there will a Delegation and Town Hall session scheduled.

Chair Bell described the process that the Executive Committee engages in during the review and consideration of approval of bylaws, citing several examples of the attention and care that the Committee gives to reviewing local trust committee bylaws. She advised that the Executive Committee's role is limited by the Islands Trust Act to seeing that the bylaws are not "contrary to or at variance with" the Islands Trust Act and the Trust Policy Statement.

## **8. DELEGATIONS**

There were no delegations.

## **9. TOWN HALL SESSION**

Elsbeth Armstrong stated that the proposed Official Community Plan policy 6.5.3.1 allows for a dwelling to be used as a vacation home rental (VHR) as long as the owner or tenant is temporarily absent, resides only seasonally, or resides in another lawful dwelling on the property. She expressed concern that it does not include those who own property and may wish to operate a VHR but who choose not to live on Hornby. She also stated that she has strong objections to the proposed land use bylaw regulations which limit the time of year a VHR can operate and requires a minimum guest occupation of seven consecutive days. She said that she hopes the Local Trust Committee will give consideration to allowing off-season rentals, as small businesses are dependent on them. She also

requested the minimum seven-day occupation requirement be removed from the proposed bylaw.

**10. APPLICATIONS AND PERMITS**

None.

**11. LOCAL TRUST COMMITTEE PROJECTS**

*11.1 HO-OCP-2009.2 Vacation Home Rental*

*11.1.1 Compilation of Correspondence to May 24, 2011*

The Compilation of Correspondence to May 24, 2011 was received and there was additional, late correspondence distributed.

**HO-039-2011** It was **MOVED** and **SECONDED** that the correspondence received from Judi Stransman, Eva Arros, Dr. Grant Hammond and Jennifer Armstrong be received.

**CARRIED**

*11.1.2 Staff Report following from May 21, 2011 Community Information Meeting and Written Submissions*

Planner Ported reviewed the Staff Report dated May 30, 2011 regarding Vacation Home Rentals (VHR) which addresses issues that were raised in the May 21, 2011 Community Information Meeting and outlines options and recommendations for amendments to the proposed bylaws. He provided background information and advised that any initiative must be in compliance with provincial legislation, the Trust Policy Statement and the principles and objectives of the Hornby Island Official Community Plan (OCP). Planner Porter said that the proposed bylaws are circulating to agencies for referral responses and he outlined the responses that have been received to date. He reviewed comments and suggestions from the Community Information Meeting and presented the proposed amendments to Bylaws 142 and 143.

Planner Porter responded to the concern expressed in the Town Hall Session regarding homeowners who do not live

on Hornby who may wish to operate a Vacation Home Rental (VHR). He said that the word “seasonally” is a descriptive term to describe individuals who come here at the time of their choosing and suggests that they are not here permanently and could include those individuals who chose not to be here for a broader period of time.

Discussion followed on key points in the proposed changes to Bylaw 142.

Planner Porter presented proposed amendments to Bylaw 143 and explained options or reasons for the lack of inclusion of other previous suggestions.

Chair Bell recessed the meeting at 2:10 pm and the meeting was reconvened at 2:15 pm.

The Local Trust Committee decided to address agenda Item 11.3, a Staff Report from Bylaw Enforcement Coordinator Drew, prior to general discussion of the proposed amendments.

The proposed bylaw enforcement policy and management of the implementation of the policy were discussed. It was the consensus of the Local Trust Committee that after adoption of the proposed bylaws and a bylaw enforcement policy, a communication plan of the bylaw enforcement policy for the benefit of the VHR operators would be important.

Trustee Hunt asked for clarification of the proposed recommendation that the bylaw enforcement staff monitor and inspect each VHR to ensure that the requirements of the VHR regulations are met.

Bylaw Enforcement Drew responded that the proposal is recommending that after adoption of VHR policies and regulations, enforcement staff make an initial site visit to every VHR and that the process might extend over the course of two seasons. He said the visits would be booked in advance and would be simple, short visits to assess compliance with the conditions of the bylaw and would include discussion of possible remedies if necessary.

Discussion of the changes to the proposed bylaw amendments began with opening remarks by the members of the Local Trust Committee.

Trustee Law said that the consideration of VHR policies and regulations has involved the balancing of suggestions from the community and staff in the process of planning responsibly for the future. He said that it is his intention to achieve the Islands Trust objective through a combination of regulation and cooperation, and he acknowledged that some regulations might be more productively addressed through advocacy policies. He stated that he would like to see the opportunity for use of Temporary Use Permits addressed in a more specific manner and stated in the OCP. He advised that he would have other recommended changes as the discussion proceeded.

Trustee Hunt acknowledged the difficulty of attempting to predict what might happen in the future as bylaw work is completed. He noted that the community has been engaged in the process and that the discussions have changed over time to reflect input while the legislative framework requirements continue to be considered. He stated that VHRs on Hornby represent a unique aspect of accommodation and that he recently counted approximately 150 internet advertisements for VHRs on Hornby which confirms the importance of VHRs to the community. He added that there were about 50 advertised as operating year around. He said he would like to have further discussion about that issue.

Chair Bell stated that the interpretation of the Trust Policy Statement is first and foremost in her mind as she considers the proposed bylaw amendments. She said that she found the staff report discussion of community character for Hornby to be valuable. Also, she said that she wanted to acknowledge that this approach represents a commercial use. She added that she believes that the proposed bylaw enforcement policy means that the seven-day minimum stay and the May to September limitations are valid as they clearly distinguish between something that would otherwise be a commercial use, and with those restrictions, something that fits into a residential zone use. She stated it is her opinion that these proposed regulations and bylaw enforcement policy, along with the Temporary Use Permit, ensure that VHRs will continue as they are now, are not excessive and the character of the island does not change.

The Local Trust Committee reviewed the proposed draft amendments to draft Bylaw 142 as presented in the staff report and determined changes to be made as follows:

1. Section 2.b, new policy 6.3.3.10, last line: insert a comma after “rental use”
2. Section 4, new policy 6.5.3, second line: insert a comma after “accommodation”
3. Section 4, new policy 6.5.3.3 is added with renumbering of all subsequent policies and now reads: “6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:
  - a) Utilizing a rainwater catchment and storage system;
  - b) Installing water-saving fixtures; and
  - c) Providing information about water conservation practices to all guests.”
4. Section 4, new policy 6.5.3.4 to read: “Vacation home rentals other than as permitted through land use regulations for vacation home rentals may be considered upon application for a Temporary Use Permit.”
5. Section 4, new policy 6.5.3.5: delete subsections a) and b) so that it is changed to read “Vacation home rental use should be subject to regulations, depending upon location and site characteristics, which require that property owners provide evidence that the sewage system is capable of supporting the proposed occupancy load.”
6. Section 4, new policy 6.5.3.6, fourth line: change “Regulations” to “regulations”
7. Section 6, additional provision 6 to read: “6. Hornby Island Official Community Plan Bylaw No. 104, 2002 is amended by modifying Section VI-OBJECTIVES AND POLICIES FOR SUSTAINABLE DEVELOPMENT section 6.9-Temporary Use Permits as follows:
  - a) Deleting the word “and” at the end of objective (4),
  - b) adding a comma and the word “and” at the end of objective (5),
  - c) adding the following objective immediately after objective (5):

“(6) to allow vacation rentals other than as permitted through land use regulations.”,
  - d) adding the following words to policy 6.9.1 a):

“other than for vacation rentals”,

- e) amending policy 6.9.2 by deleting the word “all” and by replacing the word “shall” in both instances with the word “may”

The Local Trust Committee reviewed the proposed draft amendments to draft Bylaw 143 as presented in the staff report and determined changes to be made as follows:

1. Section 1.a.i, second line: delete “permitted by this bylaw”
2. Section 1.a.i, third line from bottom: change to read “and includes such a use...”
3. Section 1.b. ii, clause 3.23.1: change to read “A dwelling unit may only be occupied...”
4. Section 1.b. ii, clause 3.23.2: change to read “A dwelling unit may only be occupied by one group of paying guests during a period of seven (7) consecutive days.”
5. Section 1.b. ii, clause 3.23.3: change to read “A dwelling used for vacation home rental use shall not be used to accommodate more than...”
6. Section 1.b ii, clause 3.23.6: delete the period at the end of (e) vi to read: vi. “9.11.1.7 Vacation Home Rental Use
7. Section 1.b. ii, clause 3.23.6.2: delete this clause

The Local Trust Committee discussed the process for advancing the proposed amendments.

**HO-040-2011** It was **MOVED** and **SECONDED** that the first reading of proposed Bylaw 142 cited as “Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011” be rescinded.

**CARRIED**

**HO-041-2011** It was **MOVED** and **SECONDED** that the first reading of proposed Bylaw 143 cited as “Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1 2011” be rescinded.

**CARRIED**

*11.1.3 Staff Report from Miles Drew, Bylaw Enforcement Coordinator dated for the Hornby Island Local Trust Committee Meeting of June 1, 2011*

Discussions concerning the Staff Report recommendations occurred earlier in the meeting and were continued.

Trustee Law expressed his opinion that a communications strategy is needed prior to implementation of a bylaw enforcement policy in order to allow operators time to understand the new bylaw regulations and come into compliance with them. He stated he would like to identify as a priority for bylaw enforcement those situations where VHR accommodations are being operated other than in a permitted dwelling. He said that he is uncertain about the proposed policy of monitoring and inspecting each VHR and might support an initial bylaw effort to investigate enforcement of advertisement of VHRs operating in a non-permitted dwelling. He added that this report has just been received and he would like to give this issue more thought.

Trustee Hunt agreed that with the adoption of the bylaw amendments, it will be an appropriate time to be clear on what bylaw enforcement intentions will be. He requested that the bylaw enforcement proposal for monitoring and inspecting each VHR be clarified in a future draft to allow for better understanding of the procedure.

Chair Bell requested Bylaw Coordinator Drew draft changes to the bylaw enforcement plan based on the suggestions made at today's meeting including Trustee Hunt's request for clarity in the wording of the proposal for monitoring and inspecting each VHR and Trustee Law's suggestion of prioritizing those situations where VHR accommodations are being operated in a non-permitted dwelling.

Bylaw Coordinator Drew recommended a communications plan be presented at the same time as the bylaw enforcement policy.

11.2 *HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Review Memorandum dated May 27, 2011*

Planner Zupanec summarized the Memorandum regarding input received relating to the targeted review and update of the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB). Also included in the memo were submissions received from property owners with suggestions specific to several topics. Planner Zupanec requested direction on how to prioritize the topics as the work proceeds on revisions to the draft OCP and LUB.

Discussion followed on the suggested topics for consideration and the Local Trust Committee provided guidance on several issues to be addressed.

## **12. REPORTS**

### *12.1 Strategic Plan for Local Trust Committees (updated April 4, 2011)*

The Strategic Plan for Local Trust Committees was received with no comments.

### *12.2 Work Program Reports Top Priorities Report and Projects List Report dated May 25, 2011*

There were no comments or additions to the Work Program Reports.

### *12.3 Applications Log Report dated May 24, 2011*

Planners Porter and Zupanec presented the Applications Log and provided updates.

### *12.4 Trustee and Local Expenses*

#### *12.4.1 Expenses – Fiscal to March 31, 2011*

The Final Fiscal 2011 to March 31, 2011 report was reviewed and it was noted that the LTC Local Expense budget was exceeded in part due to the cost of the vacation home rental revisions to the Official Community Plan and Land Use Bylaws.

#### *12.4.2 Local Trust Committee Budget – Fiscal 2012*

The Fiscal 2012 budget was reviewed and the costs of vacation home rental revisions, including the community information meetings, public hearing and advertising associated with those meetings were discussed and were considered to be significant. It was the consensus that expenses relating to the vacation home rental issue should be debited from the OCP/LUB Expense category for fiscal 2012. It was noted that the allocation of LTC Meetings had been adopted by resolution at a previous meeting.

**13. NEW BUSINESS**

13.1 *Town Hall Procedures*

Trustee Hunt stated that when considering controversial issues, people in the community want to be involved and he suggested that the Local Trust Committee be more flexible about an appropriate time when people can speak during meetings.

Trustee Law said that providing an opportunity for public comments on an as-needs basis is beneficial and can provide flexibility so that those who haven't spoken earlier or have additional thoughts can participate.

Chair Bell agreed and noted that the agenda procedures are not well understood by people. She stated it would be useful to present staff reports prior to public comments as that may answer some questions. She added that input from the public would best be received then and not between the point of discussion and resolution and that she would be agreeable to this change in procedure. No changes to the agenda format were considered to be necessary.

**14. BYLAWS**

14.1 *Proposed Bylaw No. 142 cited as "Hornby Island Official Community Plan Bylaw No. 104, 2002, Amendment No 1 2011."*

This item was discussed earlier in the meeting.

14.2 *Proposed Bylaw No. 143 cited as "Hornby Island Land Use Bylaw 86, 1993, Amendment No. 1, 2011"*

This item was discussed earlier in the meeting.

**15. ISLANDS TRUST WEBSITE**

*Hornby Page*

The website was not discussed.

**16. NEXT MEETING DATE**

*16.1 Discussion of Possible June 14, 2011 Special Meeting*

There was discussion regarding the possibility of a special meeting of the Hornby Island Local Trust Committee to consider third reading of proposed bylaws relating to the Hornby Island Resort rezoning. It was agreed that a special meeting will take place on Tuesday, June 14, 2011 at 10:30 am in the Trustees' Office at the Marcus Isbister Old School Center, 5901 Denman Road, Denman Island.

*16.2 Next Local Trust Committee Regular Business Meeting*

The next business meeting will take place on Wednesday, June 29, 2011 at 10:15 pm at Joe King Clubhouse, Central Road, Hornby Island, British Columbia

**17. ADJOURNMENT**

The Chair adjourned the meeting at 5:45 pm.

---

Chair

---

Minute Taker