

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
SPECIAL MEETING
SUNDAY, AUGUST 7, 2011 AT 10:00 AM
AT ROOM TO GROW, HORNBY ISLAND COMMUNITY SCHOOL
2100 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT: Fred Hunt Acting Chair
Tony Law Local Trustee
Vicky Bockman Minute Taker

REGRETS: Louise Bell Chair

There were nine (9) members of the public in attendance.

1. CALL TO ORDER

Chair Hunt called the meeting to order at 10:21 am. He welcomed the public and introduced himself, Trustee Law and the Minute Taker. He stated that this is a Special Meeting of the Hornby Island Local Trust Committee, called during the summer in order to allow seasonal as well as year around residents the opportunity to have an informal exchange with the Local Trustees, to ask questions and discuss items of interest.

2. APPROVAL OF AGENDA

The agenda was approved by consensus.

3. TRUSTEES' REPORT

Trustee Law outlined the structure of the Islands Trust and explained the role of the Local Trust Committee. He said that the work program for the Local Trust Committee this term included updating the Official Community Plan and Land Use Bylaw as well as addressing the issue of vacation home rentals. He said that there had been a wish to focus on economic opportunity and housing and as a result, the Official Community Plan work will not be completed this term. He added that the Land Use Bylaw has not been updated since 1993 and that it will be addressed next term as well.

Trustee Law explained the purpose of addressing vacation home rentals this term and summarized the process that it has involved, stating that it has been a lengthy process with time taken to provide opportunity for public discussion. He advised that the proposed vacation home rental bylaw amendment is now post public hearing and that the Trustees are subject to the regulations relating to hearing new information, as set out in the Local Government Act. He said that following adoption of the proposed amended bylaws there will be a communication program initiated in order to provide opportunity for the public to understand the changes and to clarify any questions they may have regarding the new vacation home rental policy and regulations as well as the enforcement policy.

Chair Hunt added that the proposed amendment to the Official Community Plan bylaw has been forwarded to the Ministry of Community, Sport and Culture for ministerial approval after

which time it will return to the Local Trust Committee for consideration of fourth reading. He confirmed that context and process can be discussed at this meeting.

4. TOWN HALL SESSION

Chair Hunt called for suggestions of topics for discussion from the members of the audience and prioritized them accordingly.

1. *Vacation Home Rentals*

Michelle Easterly commented that there is an association being formed which will, among other things, include guidelines for vacation home rentals and recommend best practices for the operators.

Joan Hesketh asked if the bylaw enforcement policy is before the Minister at this time and asked if it is the bylaw that states that vacation home rentals are only permitted from May to September. She expressed her concern with the bylaw, stating that it creates “winners” and “losers” in the residential tax base dependent on whether one wants to operate a vacation home rental during the winter as opposed to the summer.

Trustee Law responded that the enforcement policy will be presented later in the process and that the permitted rental period of May to September is included in the bylaw. He added that concerns with the limitations of permitted months have been expressed previously and he explained the process that led to determination of that timeframe. He stated that the proposed bylaw provides for a review in the future.

Chair Hunt stated that unadvertised vacation home rentals to friends or through word-of-mouth are considered a non-overt commercial use and the bylaw enforcement policy may take this into consideration. He said that discussion of the bylaw enforcement policy may be included in the next regularly scheduled Local Trust Committee meeting and advised those interested to check the Islands Trust website for particulars.

Kim Hesketh asked what would happen if one rented out their vacation home rental in a non-overt commercial manner during the period of October to April and neighbours complained.

Joan Hesketh asked what the Bylaw Enforcement Officer would do under those circumstances if the bylaw does not permit rentals during those months and does not specifically address advertising. She commented that intentions need to be clearly stated in regulations.

Trustee Law replied that word-of-mouth or renting to friends would be considered a residential use while use of advertisement or third-party managers would be considered a commercial use. He said that the Bylaw Enforcement Officer would be guided by the enforcement policy.

Chair Hunt suggested that the Bylaw Enforcement Officer might initiate a discussion with the operator under those circumstances. He added that an option for an operator wishing to conduct a vacation home rental from October to April would be to apply for a Temporary Use Permit.

Joan Hesketh stated that she finds it objectionable that this creates an unfair playing field in the residential taxpayer base.

Trustee Law stated that this important step recognizes and permits vacation home rentals and can be fine-tuned, if necessary, in a future review. He said there have been many points of view to consider and balance during the process.

Chair Hunt added that the process has been challenging and that he looks forward to discussion of the bylaw enforcement policy.

Kim Hesketh asked what the process would be for public input in the bylaw enforcement policy development stage.

Chair Hunt advised that there is no formal public hearing or community information meeting for addressing bylaw enforcement policy issues. He advised that each Local Trust Committee meeting has a Town Hall Session which is an opportunity for the public to speak to any Islands Trust matter. He suggested that those interested can check the Islands Trust website for meeting dates and agendas. He added that input by email or letter can be received if one prefers or is unable to attend the meetings, and that one can call or email the Local Trustees with any input they may wish to give.

2. *Hornby Island Resort*

Chair Hunt summarized the process leading to the current status of the Hornby Island Resort development bylaw amendment.

Michelle Easterly stated that she objects to the density of the proposed condominiums and increased water use for this project. She said that water usage is the major concern, that usage will be higher than that used for the current campground, and if there is no rain, the cistern will not be adequate. She stated that she had emailed a petition with a significant number of signatures to staff at Islands Trust. She said that she had been diligent in obtaining signatures from informed people from Hornby as well as from those from other locations concerned about Hornby Island and she objected that the email had not been read in a timely manner or forwarded to the Trustees for consideration as it was not considered by staff to be new information.

Russell Prediger noted that the project went from a density of 4 units to the current 14 units on 1.2 acres.

Joan Hesketh stated her opinion that it should be the elected Trustees, not the staff, who determine if post public hearing information is new.

Chair Hunt explained that the project had met the requirement of covering no more than 40% of the land base, allowing the Trust to consider the development from that perspective. He confirmed that after public hearing it is the role of staff to determine whether information is new and if not, the information is not forwarded to the Trustees.

Rob McCreary commented that perhaps the accelerating level of community concern and opposition to this development could be seen as new information.

Trustee Law responded that this is the end of the proscribed process which has taken a full

two years to this point. He said that the process has included two open houses, a community information meeting, a public hearing, and the subject has been discussed at numerous Local Trust Committee meetings where Town Hall Sessions are provided for the public to speak. He noted that there had not been significant opposition to this project in a poll he had taken at one point. He added that the time that has been spent considering the project has been lengthy in part to strengthen the requirements for water and parking as well as making the pub the primary use with other aspects of the project becoming accessory uses to the pub.

Michelle Easterly said that she understands the process, however, had believed that with the Islands Trust mandate to preserve and protect, that the prospect of condominiums on Hornby Island would not have been considered. She stated her opinion that this project does not make sense economically and is not consistent with the Hornby Island rural lifestyle. She also said she considered the poll that Trustee Law had taken early in the process to have been flawed.

Chair Hunt stated that the plans for the development are posted and he encouraged those interested to view them. He acknowledged that the density being permitted is a maximum of 15 condominium units and that water and sewage adequacy were important issues. He explained that the sewage requirement was determined by a report by a professional engineer. He added that the planner has received information regarding water usage and well output for drinking and other uses and has determined levels to be acceptable. He confirmed that there will also be a cistern for water catchment.

Trustee Law responded that the Local Trust Committee makes the best decisions it can based on the best information obtained. The mandate to preserve and protect is reflected in the Islands Trust Policy Statement and the Hornby Island Official Community Plan. He explained that this development is zoned for commercial use and meets the 40% lot usage requirement. He said that the project is at variance with the Official Community Plan in only two ways: the units are conjoined which is considered to be beneficial from a greenhouse gas emissions point of view, and the ownerships are strata title, however the Local Government Act does not allow the Local Trust Committee to regulate based on types of ownership.

Joan Hesketh asked how many aquifers Hornby Island has. She asked if there had been an independent review of the water report and if not, recommended this procedure be considered for the future.

Russell Prediger asked if the Local Trust Committee will ensure that the estimated water levels will be confirmed.

Chair Hunt responded that there are four aquifers on Hornby with one being identified as in an area that is highly developed. He added that the water report had been accepted by the Planner.

Michelle Easterly asked about Official Community Plan statements regarding density being distributed throughout Hornby and asked if the development height is within guidelines.

Trustee Law responded that the distribution of density was a concept that was relevant in the vacation home rental discussion, however this project was already zoned for commercial use. He added that the height of the structures will not be at variance with the

regulations.

Russell Prediger asked if it would be possible for another amendment to be created to reduce density.

Chair Hunt responded that this is a legal process and does allow for appeal through the court process.

Rob McCreary asked if a confirmation of adequate water would be done when this project proceeds to the development plan phase.

Chair Hunt advised that the development plan will consider form and character which is descriptive of how the development must proceed with Hornby style and includes specific requirements such as a percentage of the roof that must be sod, lighting and water requirements, and the installation of low flow plumbing fixtures. He said that these guidelines can be reviewed in Section VI of the Official Community Plan and added that a staff report on the website lists the final covenants for information.

Michelle Easterly asked if there will be close monitoring during every step of the development.

Trustee Law stated that staff is extremely precautionary, particularly about water, as water conservation is a concept that is stressed in the Islands Trust Policy Statement.

Joanne Whitey commented that it should never have been assumed that this was not going to happen, given that it is in a commercial zone.

Michelle Easterly said that considerations for commercially zoned projects may be different on different islands and asked what this commercial applicant is doing for the Hornby community.

Rob McCreary stated he would feel more comfortable if community input would be permitted at the development permit stage.

Chair Hunt responded that consideration will be given to that suggestion.

3. *Ferry Closure Update*

Trustee Law provided an overview of the ferry closure, stating that the closure will occur for three weeks starting October 17, 2011 for rebuilding of the docks at Gravelly Bay and Shingle Spit. He stated that there will be two open houses which will be opportunities for people to ask questions and express concerns. He said that the Ferry Advisory Committee has identified issues that need to be addressed. He explained that current plans are for a water taxi to handle foot traffic and for a barge to handle commercial traffic by reservation. He said that secure parking at Gravelly Bay and a shuttle service across Denman Island are being considered for the period of the closure. He confirmed that essential services such as transportation of school children, mail and fuel will be handled.

Arifin Graham asked if shuttle service will be provided on Hornby Island for those who may only have one car.

Trustee Law said that this is a good suggestion that he will bring forward. He said that ride shares may also be a possibility.

3. *Foreshore Protection*

Christine Hunt expressed her concern that many people are not aware that the foreshore is an area that has been protected by federal law since the 1970's and that sand, rocks and gravel are not to be moved from the foreshore. She stated that removing rocks disturbs marine life and is not just the removal of an environmental element, but is also removal of Hornby's heritage. She said that this is becoming a significant problem and although it is beyond the responsibility of the Islands Trust she would like to have the issue raised and communicated in some manner.

Trustee Law agreed that this is important and he will discuss this with staff at BC Parks to determine if it is possible to post this information at beach accesses.

4. *Raven Coal Mine Update*

Trustee Law advised that he is the Islands Trust Representative on the Working Group for the Environmental Assessment process and provided background and an update on the Raven Coal Mine. He said that there was a strong level of interest in the public hearings that were held and concerns were expressed. He added that the public process for this stage of the Environmental Assessment process is now closed. He said that there has only been one mine turned down as a part of an environmental assessment process, however approximately 40% of the projects do not go forward for other reasons. He stated that the main issues of concern are risk of potential contamination of the Baynes Sound aquifer, increased traffic from transportation of the coal from the mine, and other issues for Port Alberni. He said that the Islands Trust has requested an independent panel be involved in the process, however to date a response has not been received.

Arifin Graham asked if this is a political process.

Trustee Law responded that ultimately it is a political decision with the ministers making the decision provincially.

5. *Mail Delivery*

Chair Hunt provided a summary of the mail delivery topic as background for discussion, advising that there has been a new mail delivery person hired.

Trustee Law added his understanding that there were trained and experienced backup personnel to assist Hornby's long-time mail delivery person in that job, however, when the position became available the job was offered to an off-island person. He said that he has written Canada Post stating that local employment and local knowledge of mail specifics are important aspects that contribute to the quality of rural mail service on Hornby Island. He added that he hopes that islanders are not rude to the person who has been hired; however, hopes that any future hiring for this position would be from Hornby Island. He said that he has received a reply from Canada Post and that the dialog will continue.

6. *Wells*

Joanne Whiting stated her understanding that the filling-in of community wells is being considered although she was uncertain as to which agency was expressing interest. She stated that she is a seasonal resident currently hooked up to one of these wells and that she wants to stay connected to that well. She said that drilling a new well for seasonal use would be very expensive.

Trustee Law said that he understands the concern and suggested that she contact him subsequent to today's meeting to discuss this further.

Chair Hunt thanked the public for coming to the meeting and for providing their input.

5. **NEXT BUSINESS MEETING**

The next business meeting will be held on Wednesday, August 31, 2011 at 12:15 pm at Joe King Clubhouse, Central Road, Hornby Island, British Columbia.

6. **ADJOURNMENT**

Chair Hunt adjourned the meeting at 12:16 pm.

Chair

Minute Taker