

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:30 PM ON FRIDAY, APRIL 27, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT: David Graham Chair
 Alex Allen Local Trustee
 Tony Law Local Trustee
 Sonja Zupanec Island Planner
 Vicky Bockman Recorder

There were twenty-one (21) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:36 pm. He welcomed the public and introduced himself, the Local Trustees, Island Planner and Recorder.

2. VACATION HOME RENTAL REVIEW – COMMUNICATIONS PLAN AND BYLAW ENFORCEMENT POLICY

2.1 Submission from Trustee Law dated April 10, 2012

Trustee Law presented a draft Vacation Home Rental Bylaw Enforcement Policy for discussion. He suggested that having such a policy in effect prior to the beginning of the summer season would provide clarity to the operators and recommended referring the draft to the Bylaw Enforcement Coordinator for consideration.

HO-016-2012

It was **MOVED** that the draft Bylaw Enforcement Policy submitted by Trustee Law dated April 10, 2012 be referred to the Bylaw Enforcement Coordinator as a starting point for providing recommendations to the Hornby Island Local Trust Committee at its next meeting with the following addition: adding to the draft policy No. 2. after “dwelling unit” the following words “and/or with excessive occupation levels”.

There was discussion and Trustee Allen requested that the motion be considered later as item 13.3 in the agenda.

HO-017-2012

It was **MOVED** and **SECONDED** that the resolution be laid on the table.

CARRIED

3. **QUESTIONS AND ANSWERS FOR PROPOSED BYLAW NO. 145 CITED AS
“Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012”**

Planner Zupanec explained the contents and objectives of proposed Bylaw No. 145. She advised that the proposed bylaw is the subject of the Public Hearing which will be held after the Question and Answer period and is being considered for further readings later in the agenda. She clarified the purpose of the Question and Answer period and called attention to a reference binder available for the public to peruse which contains information regarding the proposed Bylaw No. 145 and includes submissions received as of April 26, 2012. She advised that the Local Trust Committee will be recessing prior to consideration of the proposed Bylaw to review any submissions received subsequent to the preparation of the binder.

The floor was opened for questions from the public regarding proposed Bylaw No. 145.

Elspeth Armstrong – asked if the Local Trust Committee will be able to further amend the proposed Bylaw No. 145.

Planner Zupanec explained that later in the agenda the Local Trust Committee will have the option to consider giving further readings, amend, defer or not proceed with the proposed bylaw.

William Thomas – asked for an explanation of the reasoning for the five consecutive months regulation.

Trustee Law summarized the process which led to the consideration of permitted use during five consecutive months. He explained the difficulties of bylaw enforcement monitoring if non-consecutive use were to be permitted and stated that the desire to maintain a residential and not commercial zone was being recognized. He added that a Temporary Use Permit may be applied for if operation is desired for an additional period.

Dale Chase – observed that regulation 3.23.2 seems ambiguous and asked if one could live in a tent while renting the house and if so, would that be a bylaw infraction.

Trustee Law clarified that 3.23.2 applies to properties with two legal dwellings. Planner Zupanec confirmed that a tent is not a legal dwelling within the current regulations. It was noted that bylaw enforcement of this type of situation has not been proactive.

Ruth Goldsmith – expressed support for permitting camping while renting out a house during some portion of the year. She recognized that many people need income and cannot afford a second dwelling and should not be at risk of bylaw enforcement as a result.

Elspeth Armstrong – noted that in the past a separate bylaw could be created that alleviated concerns such as these.

Trustee Law responded that this proposed bylaw is not changing circumstances, rather it is expanding possibilities for operators. He added that in general only problem situations are enforced and that the occasional tent has not been enforced in the past, however if more certainty is wanted perhaps the issue could be addressed in the Official Community Plan review.

Larry Pierce – confirmed several of the conditions for permitted use of vacation home rentals. He noted that if only problem situations were to be enforced, then asked why not put that into the bylaw.

Trustee Law responded that the proposed amendment is intended to clarify the regulations.

Bob Bishop – stated that this bylaw has isolated people and that utilizing existing trailers on his property should be permitted when renting his cottage to provide needed income.

The meeting was recessed at 1:13 pm for the Public Hearing and for the Local Trust Committee to review submissions received regarding proposed Bylaw No. 145. The meeting was reconvened at 1:52 pm.

Chris Jackson, Regional Planning Manager joined the meeting.

4. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 13.3 – Continuation of Discussion: Vacation Home Rental Review – Communications Plan and Bylaw Enforcement Policy
- Add item 14.3.2 – Email from Cindy Shelest regarding Hornby Island LTC budget information
- Move item 16.1 to after item 11

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated March 16, 2012

The minutes were adopted by consensus with the following amendments:

- Page 3, first paragraph beginning “Trustee Law asked for clarification”: remove paragraph and replace with “Trustee Law asked for clarification as to why roadside ditches were identified in this report when these do not seem to be identified in mapping of other local governments that are already compliant.”
- Page 8, Item 14.1, first paragraph: replace “Trustee” with “Chair”

5.2 Section 26 Resolutions Without Meeting

There were no Resolutions Without Meeting to report.

5.3 *Advisory Planning Commission Minutes*

There were no Advisory Planning Commission minutes.

6. BUSINESS ARISING FROM MINUTES

6.1 *Follow-up Action List dated April 11, 2012*

Planner Zupanec summarized the report and provided updates. The Advisory Planning Commission orientation was confirmed as an activity to facilitate. It was determined that staff will draft the letter responding to K'omoks First Nations' correspondence including topics which were suggested and discussed. The climate change pamphlet was discussed and it was confirmed that it is to remain on the report for future consideration.

7. CORRESPONDENCE

7.1 *Email dated March 28, 2012 from William Thomas regarding Smart Meters on Hornby*

Planner Zupanec reported that her review suggested that the Land Use Bylaw would not consider a smart meter attached to a residence as a commercial microwave tower. She identified another section of the Official Community Plan which could be interpreted to require consultation with the Local Trust Committee prior to installation of new services.

Trustee Law expressed disappointment that his requested meeting with BC Hydro has not occurred and hopes that a letter might encourage a response.

HO-018-2012

It was **MOVED** and **SECONDED** that Chair Graham will write to the President of BC Hydro noting that:

- On June 30, 2011, the Chair of Islands Trust Council wrote to the President of BC Hydro to encourage BC Hydro to engage in consultations with Trust Area residents regarding smart meters;
- On September 9, 2011, the Hornby Island Local Trustees and a representative of the Hornby Island Residents' and Ratepayers' Association met with BC Hydro's Manager of Community Relations to plan a community meeting;
- To date, despite repeated requests, this meeting has not happened;and
- There are significant concerns and questions in this community about the Smart Meter Program with a substantial number of households registering their objections by requesting no installation of wireless smart meters and/or installing metal collars with the intent of preventing removal of the analogue meters.

And requesting that:

- BC Hydro arrange a meeting on Hornby Island involving senior staff to provide information, answer questions, hear concerns and explore possible alternative options to the installation of wireless smart meters on Hornby Island buildings

With the letter copied to the Chair of Islands Trust Council, Hornby Island Residents' and Ratepayers' Association and the Comox Valley MLA and to William Thomas.

CARRIED

7.2 Letter dated April 3, 2012 from Ministry of Transportation and Infrastructure regarding Issuance of Secondary Residential Access on Ministry of Transportation and Infrastructure Right of Way to Jack and Leah Laurenson, Porpoise Crescent

Chair Graham noted that as the applicants are not present at this meeting and as the Local Trust Committee is not the decision-making body for Ministry of Transportation and Infrastructure right of way issues, he would prefer to consider the application in general terms.

Trustee Law reported on the Local Trustees' discussions with various parties regarding this application and the concerns of community members he spoke to regarding beach access. He presented a possible motion for discussion which included specific requests for management of beach accesses and possible opportunities for Local Trust Committee involvement in access permit applications to reflect the community perspective. As there was not general agreement with the scope of the possible motion, it was not put forth.

The possibility of requesting the ability to comment on access applications as a part of the process and for the Ministry of Transportation and Infrastructure to defer consideration of any permits without a proper public interest referral period was considered. The general referral protocol was discussed.

Further consideration of the issue was deferred until after agenda item 11.

8. TRUSTEES' REPORT

Trustee Law reported that he attended a Coastal Douglas Fir workshop, organized by the province, which was very well attended. He noted that he attended Trust Fund Board meetings and is excited to be working on the management plan for a new Islands Trust Fund nature reserve which is located on Lasqueti Island. He provided copies of a newsletter with a summary of the Island Trust Fund's Regional Conservation Plan. He stated that meetings with the RCMP to develop strategies as well as the Ferry Advisory Committee to discuss the cable ferry proposal, fares and alcohol consumption on ferries were attended. Trustee Law attended a meeting with representatives from Ministry of Transportation and Infrastructure, Hornby Island Residents' and Ratepayers' Association Executive and Emcon Services to discuss a maintenance program, beach accesses and safety of the Sollans Road junction at Central Road. He reported that he attended a meeting with the Comox Valley Regional District. Additionally, he attended Hornby Advisory Planning Commission meetings focusing on the draft Official Community Plan review. He commended the volunteers on that committee and the work that they are doing.

Trustee Allen reported that he also attended the meeting with Ministry of Transportation and Infrastructure where the safety of Sollans Road near the school and Community Hall, along with suggestions for other problematic roads and potholes were discussed. He suggested that more communication with Comox Valley Regional District would be beneficial to disseminate information that might benefit the community such as the Wood Stove Exchange Program. He noted that the RCMP has indicated that their budget will be reduced however they are planning an increased presence at Big Tribune Bay, more attention to safety on boats, increased focus on responding to drug and alcohol impairment issues and will be exploring utilizing boats for quicker response to Hornby Island. He concluded by advising that the new Islands Trust sandwich board is now in operation to advertise and call attention to Local Trust Committee meetings.

9. CHAIR'S REPORT

Chair Graham reported on the Association of Vancouver Island and Coastal Communities meeting that he recently attended in Ucluelet. Topics of interest from that meeting included a presentation on the Island Corridor Rail Line status, the role of local governments during oil spill response spearheaded by Sheila Malcolmson of the Islands Trust, a discussion of aquaculture with Fisheries and Oceans Canada and provincial regulators, and a spirited discussion with Richard Bullock, the Chair of the Agricultural Land Commission on his commitment to agricultural land.

10. DELEGATIONS

There were no delegations.

11. TOWN HALL SESSION

Sheila Farrington - stated that she understands that the Islands Trust and the Ministry of Transportation and Infrastructure are currently negotiating a letter of understanding. She asked if this agreement could include beach access topics in addition to road building issues and include a provision for the Local Trust Committee to allow them to form agreements with their local Ministry of Transportation and Infrastructure area managers about local issues. She suggested that this would be helpful as it could result in documents with details distributed for the community's information.

Chair Graham commented that looking at that protocol agreement is a good suggestion and may provide useful opportunities for discussion.

William Thomas – suggested that although smart meters may not be officially covered as commercial microwave towers in the Official Community Plan, the number of these meters, neighbourhood collectors and routers on tall power poles on Hornby could violate the intent of the Official Community Plan as not only would they be unsightly but also health hazards. He requested a reconsideration of the issue and clarification or possibly an amendment to the bylaws to be more specific of a prohibition of microwave energy on Hornby Island.

Christine Hunt – would like to see the “Living on Hornby Island” brochure include information that removing anything from or disturbing of the foreshore is against the federal law. She noted that this information is generally unknown by visitors and has a detrimental effect on fish and the shore.

Bob Bishop – reported that there are a number of lots in Whaling Station Bay with no septic fields and asked the Local Trust Committee to solicit Vancouver Island Health Authority's assistance to address the problem by proving there are adequate septic systems or ensuring installation of government-inspected septic fields.

Elsbeth Armstrong – said that lack of adequate septic fields is a problem she has seen before and suggested that testing the water at Whaling Station Bay would provide a reliable indicator of a problem.

Sheila Farrington – asked if there was a fish-bearing stream flowing beside a beach access road on Ministry of Transportation and Infrastructure land, who would be responsible for the Riparian Areas Regulation.

Regional Planning Manager Jackson responded that if a ministry creates harmful alteration, disruption or disturbances that result in fish dying it could be charged under the Fisheries Act. However the Local Trust Committee needs to identify which streams are Riparian Areas Regulation applicable by mapping and creating development

permit areas for those streams. He advised that without this mechanism in place there would be no bylaw infraction to enforce.

Ross Muirhead – requested clarification of Islands Trust and Comox Valley Regional District jurisdiction over water and sanitation.

Regional Planning Manager Jackson responded that the Comox Valley Regional District regulates community water systems. The Local Trust Committee's involvement in the subdivision process is limited to ensuring quantity and quality of water and the Ministry of Transportation and Infrastructure also reviews water in subdivision applications.

Trustee Law added that the Local Trust Committee has advocacy policies with government agencies and provides input to them on occasion, for example: regarding establishing a community water source on Hornby. He advised that the Local Trust Committee conveys community aspirations to the agencies that do have the responsibility. He added that Vancouver Island Health Authority is responsible for sanitation issues.

Donna Tuele – asked if Riparian Areas Regulation applicability determinations are negotiable if a landowner hires an independent specialist to provide information and if that assessment differs from the results obtained by the Islands Trust.

Regional Planning Manager Jackson responded that it is possible, although he qualified that statement by advising that the Riparian Areas Regulation is intended to be a science-based approach based on repeatable observation. He added that a detailed assessment would also provide more information than a simple assessment.

Donna Tuele – commented on the beach access issue that was item 7.2 on the agenda, stating that she is familiar with the area and advised that part of the beach access has been used as a driveway continuously by a neighbour, and the new owners are continuing to use the part that has always been used as a driveway as they construct the house.

Bob Bishop - reported on road and culvert water redirection work that he had undertaken to support his subdivision request, and stated his opinion that the water catchment reports by Dakin and Dr. Allen were disregarded by the Local Trust Committee in their denial of his subdivision request.

Chair Graham recessed the meeting at 3:06 pm and reconvened at 3:11 pm.

7.2 Letter dated April 3, 2012 from Ministry of Transportation and Infrastructure regarding Issuance of Secondary Residential Access on Ministry of Transportation and Infrastructure Right of Way to Jack and Leah Laurenson, Porpoise Crescent – Continued

After consideration of the discussion on the issue which occurred earlier in the agenda, Trustee Law suggested an approach to address this application.

HO-019-2012

It was **MOVED** and **SECONDED** that staff be requested to write to the Ministry of Transportation with respect to the letter dated April 3, 2012 to convey the Local Trust Committee's suggestion that a decision on the application for a secondary residential access be deferred until there has been an opportunity to explore options that would advance policies of the Hornby Island Official Community Plan, including possible involvement of the Comox Valley Regional District.

CARRIED

16. BYLAWS

16.1 *Proposed Bylaw No. 145 cited as "Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012"*

There was discussion regarding possible changes to the proposed amendment in order to address concerns heard about the number and type of permitted legal dwelling units involved on the vacation home rental property and the five consecutive calendar months limitation. The economic benefits to the community and owner occupation on the vacation home rental locations were considered. The difficulties relating to intensification of land use in areas with vulnerable aquifers, bylaw enforcement, and maintenance of residential character in single family residential zones while permitting commercial activity were discussed.

Chair Graham commented that the Islands Trust mandate to preserve and protect is an aspect of this local government that other municipalities do not have, and the implications of increasing density and the impacts on the environment must be considered.

Planner Zupanec advised that some of the changes being considered would require significant reworking of language of the proposed bylaw and could require an additional public hearing or changes to the Official Community Plan. She indicated that good planning practices ensure that proposed regulations are enforceable to provide assurance to the community that their values are being upheld.

It was acknowledged that the vacation home rental season is approaching and the importance of having a clear and sound regulation in place as soon as possible was noted.

HO-020-2012

It was **MOVED** and **SECONDED** that staff be requested to provide information on proposed Bylaw No.145 of implications of a) removing the word consecutive from proposed regulation 3.23.1 and b) by changing the wording of proposed regulation 3.23.2 to read: despite 3.23.1, on any lot with two legal dwellings one dwelling may be occupied by paying guests at any time while an owner or tenant is resident on the lot.

CARRIED

12. APPLICATIONS AND PERMITS

None.

13. LOCAL TRUST COMMITTEE PROJECTS

- 13.1 *HO-OCP-2009.1 (Official Community Plan and Land Use Bylaw Review)*
 - 13.1.1 *Communication Plan*

Planner Zupanec summarized the Communication Plan.

HO-021-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee endorse the Communications Plan Matrix for the Hornby Island Official Community Plan and Land Use Bylaw Review Project.

CARRIED

- 13.1.2 *Draft Official Community Plan and Land Use Bylaw Newsletter*

Planner Zupanec reviewed the need to update the newsletter. It was suggested that it would be beneficial to receive the Advisory Planning Commission's Official Community Plan and Land Use Bylaw review input prior to dissemination of the newsletter and it was determined that this may create uncertainty in the Open House Public Consultation Sessions timing. The systems to distribute the newsletter and for notifications of meetings were outlined.

HO-022-2012

It was **MOVED** and **SECONDED** that the draft Hornby Island Official Community Plan Land Use Bylaw Review Project Overview be amended by removing the date, time, and location.

CARRIED

HO-023-2012

It was **MOVED** and **SECONDED** that the Hornby Island Official Community Plan Land Use Bylaw Review Project newsletter Volume 1, Issue 1 be distributed to all property owners.

CARRIED

- 13.1.3 *Draft Project Charter*

Planner Zupanec presented the draft HO-OCP-2009.1 Official Community Plan and Land Use Bylaw Review Project Charter for review and endorsement. She indicated that the draft incorporates the changes requested by the Local Trust Committee.

HO-024-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee endorses the HO-OCP-2009.1 Official Community Plan and Land Use Bylaw Review Project Charter dated April 5, 2012.

CARRIED

13.2 *Riparian Areas Regulation Compliance
Staff Report dated April 5, 2012*

Regional Planning Manager Jackson summarized the staff report which he noted is intended to provide information to the Local Trust Committee and to give specific recommendations for Riparian Areas Regulations implementations options.

Trustee Law noted that a recent change in the Fisheries Act relates to protection of fish habitat and asked if that might change the Riparian Areas Regulation requirements. He also asked if a simplified method of determining whether the three unmapped watersheds on Hornby Island are Riparian Areas Regulation applicable might be possible. He suggested that the community consultation and education component might be difficult prior to this information being known. He added that it is important to have community support and that a reasonable approach is necessary.

Regional Planning Manager Jackson responded that the Province is requiring compliance, the effect of the outcome of the changes to the Fisheries Act is unknown, and that there is an argument that can be made for exceeding the requirements given the Islands Trust's mandate to preserve and protect. He added that verifying the Riparian Areas Regulation applicability of the three unmapped watersheds could be difficult to determine in a simple manner. He recommended that participation in the establishment of a northern working group might be a helpful option to benefit from sharing information and issues with other areas.

HO-025-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to proceed with establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for Riparian Areas Regulation implementation.

CARRIED

13.3 Continuation of Vacation Home Rental Review – Communications Plan and Bylaw Enforcement Policy Discussion

HO-026-2012

It was **MOVED** and **SECONDED** that resolution HO-016-2012 be taken from the table.

CARRIED

After having heard more discussion of the issue of vacation home rental regulations, the Local Trust Committee indicated it's willingness to reconsider the motion.

HO-016-2012

It was **MOVED** and **SECONDED** that the draft Bylaw Enforcement Policy submitted by Trustee Law dated April 10, 2012 be referred to the Bylaw Enforcement Coordinator as a starting point for providing recommendations to the Hornby Island Local Trust Committee at its next meeting with the following addition: adding to the draft policy No. 2. after "dwelling unit" the following words "and/or with excessive occupation levels".

CARRIED

14. REPORTS

14.1 Work Program Reports

14.1.1 Draft Annual Work Program Summary Report

The draft Annual Work Program summary report was reviewed.

HO-027-2012

It was **MOVED** and **SECONDED** that the draft Annual Report for the Hornby Island Local Trust Committee be approved and forwarded to the Director of Local Planning Services.

CARRIED

14.1.2 Top Priorities Report and Projects List Report dated April 11, 2012

Planner Zupanec indicated that there were no changes or updates to the report and there was no further discussion.

*14.2 Applications Log
Report dated April 11, 2012*

Planner Zupanec provided updates to the Applications Log and responded to inquiries from the Trustees.

14.3 Trustee and Local Expenses

14.3.1 Expenses posted to March 31, 2012

The expenses posted to January 23, 2012 were reviewed.

14.3.2 Email from Cindy Shelest regarding Hornby Island LTC budget information

The Local Trust Committee reviewed the email.

HO-028-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee adopt the Hornby Island Local Trust Committee budget amounts in the 2012/2013 expense account for fiscal 2012/2013.

CARRIED

15. NEW BUSINESS

15.1 Living on Hornby Island Brochure

Planner Zupanec noted that the “Living on Hornby Island” brochure is outdated and offered to update it. It was recommended that the addition of the Natural Areas Protection Tax Exemption Program be included in the Islands Trust Fund box and information that the removal of material from or disturbing of the foreshore is not permitted be added to the Living by the Sea section. The distribution possibilities of the brochure were discussed.

*15.2 Funding for Electric Car Charging Stations
Email dated April 5, 2012 from Marion Grau, Grants Administrator,
Islands Trust*

The email was reviewed and it was the consensus that the Local Trust Committee does not see a need for an electric car charging station on Hornby Island at this time, therefore will not be applying for grant funding.

17. ISLANDS TRUST WEBSITE

17.1 Hornby Page

The following changes were requested to the Hornby page of the website:

- Add to the K’omoks First Nation section – a link to the K’omoks First Nation website and the Agreement-in-Principle

18. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, June 1, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC.

A Special Meeting of the Hornby Island Local Trust Committee to be held prior to the start of the June 1, 2012 meeting was discussed with details to be determined.

18. ADJOURNMENT

Chair Graham adjourned the meeting at 5:08pm.

Recorder

Chair