

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 12:30 PM ON FRIDAY, NOVEMBER 23, 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 ten (10) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:35 pm. He welcomed the public and introduced himself, the Local Trustees, Island Planner and Recorder. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 11.3: Letter dated November 3, 2012 from Conservancy Hornby Island
- Add item 13.1: Advisory Transportation Committee Discussion

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes dated September 21, 2012*

The minutes were adopted by consensus.

3.2 *Section 26 Resolutions Without Meeting Log dated November 14, 2012*

The Section 26 Resolutions Without Meeting log was reviewed.

3.3 *Hornby Island Advisory Planning Commission Minutes – None.*

4. BUSINESS ARISING FROM MINUTES

4.1 *Follow-up Action List dated November 14, 2012*

Planner Zupanec reviewed the Follow-up Action List and responded to questions that arose.

5. **CORRESPONDENCE** – None.

6. **TRUSTEES' REPORT**

Trustee Law was pleased to report that Hornby resident, Tom Knott, has become the first on this island to protect his land using the Islands Trust's Natural Area Protection Tax Exemption Program with the assistance of the Islands Trust Fund and Conservancy Hornby Island. This will result in a new conservation covenant which will permanently protect a maturing forest on the south-eastern slopes of Mount Geoffrey.

Trustee Law commented on ferry-related issues, reporting that he had received confirmation that a decision had been made to proceed with the proposed cable ferry operation. He noted that there will be public meetings on Denman and Hornby Islands with BC Ferries representatives on this issue. He reported on his meetings with the Marine Superintendent and Buckley Bay terminal management regarding the need to increase shuttle mode during the Quinitza's absence. He advised that the BC Ferries public consultation meeting for Hornby Island will be held on December 8, 2012 and that Ferry Advisory Committee Chairs have prepared an alternative questionnaire as an option for submission by any member of the public.

Trustee Law reported that he recently attended the Community-Action-Solutions-Together forum for non-profit organizations. He also attended a meeting with RCMP representatives to discuss issues on Hornby Island, expectations and ways to improve communications. He advised that the Chair of the Agricultural Land Commission, Richard Bullock, will be at the next Trust Council meeting and he solicited input regarding any topics for this opportunity for discussion with Chair Bullock.

Trustee Allen reported that he attended a Trust Programs Committee meeting where matters relating to strategies for water stewardship and coordination between Islands Trust and other regional districts were considered. He advised that advocacy efforts will continue to address ferry and marine issues.

7. **CHAIR'S REPORT**

Chair Graham reported that the next Trust Council meeting will be held on Salt Spring Island the first week of December. He commented that the draft 2013/2014 budget initial review will be considered at that time with the final approval anticipated in March, 2013. He noted that efforts are being made to limit any increases in the budget to match the cost of living index. He reported that the Executive Committee has been active and continues to engage in advocacy work to support Local Trust Committees and communities in the provincial consultation and engagement process on the future of BC Ferries.

8. **DELEGATIONS** – None.

9. **TOWN HALL SESSION**

Betty Kennedy - expressed her objection to designating Bradsdadsland as Visitor Accommodation in the draft Official Community Plan as this suggests a commercial campground. She stated that the neighbours oppose this designation, recognize the campground as a legal non-conforming use in a Rural Residential zone, and oppose any change to that status. She expressed her support for making the right to waive public hearings more specific in the matters of rezoning as contained in the *Local Government Act*. She submitted a letter dated November 23, 2012 regarding: Submission to the Hornby Island Local Trust Committee regarding an addition to the Hornby Island Official Community Plan.

Michelle Easterly – stated that she does not support a commercial designation for Bradsdadsland.

Karen Ross, Michelle Easterly and Janet LeBlancq - expressed their concerns regarding the lack of the designation of a “Lane One” for Hornby Islanders at the Buckley Bay ferry terminal as it causes missed crossings home to Hornby and makes it more difficult for everyone including those trying to walk on. They asked for assistance to address the issue.

Trustee Law responded, advising that he had discussed the problem with the Buckley Bay Terminal Manager, however the logistical problems of designating a “Lane One” during overload situations makes it difficult. He advised that he has asked that signage be posted at both terminals to advise of shuttle status and expected times.

Joel Rietkerk – expressed his opposition to the Hornby Island Resort Ltd. development variance request, stating that the permitted height level would be adequate.

Jennifer Scott – stated that she supports the proposed Official Community Plan policy that allows subdivision of Rural Residential R(3) zones.

Michelle Easterly – stated her opposition to the Hornby Island Resorts, Ltd. request for height variance and the permitted density which she feels is excessive for that property.

A second Town Hall was requested, to be held at the end of the meeting to allow further comments on Islands Trust related items.

By general consent the Local Trust Committee added a new agenda item 16: Town Hall and renumbered subsequent items accordingly.

10. **APPLICATIONS AND PERMITS**

10.1 *HO-DP-2011.1 (Hornby Island Resort Ltd.)*

*A Development Permit application regulating the form and character of a new pub/restaurant, liquor store and 15 visitor accommodation units. A Development Variance Permit application proposing to vary the exterior side yard setbacks and maximum permitted height of the visitor accommodation units.
Staff Report dated November 5, 2012*

Planner Zupanec reviewed the staff report, indicating that there were no changes to the Development Permit application since last reviewed by the Committee. She summarized the Development Variance Permit application which requests a road allowance variance and a revised height variance to 6.5 and 7.0 metres for various units. She advised that this was the original height request, and noted that when the use of the vacation rental units was changed to “accessory to residential” it unintentionally subjected all units to a maximum permitted height of 6.0 meters, necessitating a Development Variance Permit application.

Discussion followed on the following points:

- the process for monitoring the sustainability covenant;
- the status and process for verification of the Ministry of Transportation and Infrastructure authorization of the road allowance variance.

HO-049-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to issue Development Variance Permit HO-DVP-2012.2 for PID 028-882-075 Lot 1, Section 4-A, Hornby Island, Nanaimo District, Plan EPP20609.

CARRIED

Before the vote, Trustee Law expressed his appreciation for the revised application as the previous application had caused him concern. He thanked the Advisory Planning Commission for their careful consideration of input received from the applicant and neighbours.

HO-050-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee direct staff to issue Development Permit HO-DP-2011.1 for PID 028-882-075 Lot 1, Section 4-A, Hornby Island, Nanaimo District, Plan EPP20609.

CARRIED

Before the vote, Trustee Law observed that this marks the end of a long process and while not everyone is pleased with the decision, it represents the completion of a thorough due diligence process to ensure that this development meets the community standards for form and character.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review)

11.1.1 Staff Report dated November 7, 2012 regarding Home Occupations

Planner Zupanec presented the Staff Report regarding the proposal to expand the home occupation regulations to include subletting of an accessory building as a home occupation. She advised that the rental of a workshop or studio for home occupation is currently drafted as a permitted use on lots over two acres in size. She summarized multiple concerns with expansion of the regulations including the possible increase in plumbing that could result in it's being considered an intensification of use in vulnerable aquifer areas, and identified the possible conflicts with the Island Trust Policy Statement.

Discussion followed and included the following points:

- the impact of addressing this proposal on the timing of the Official Community Plan review;
- the possibility of hiring a consultant to provide a more thorough analysis of the current drafted permitted use on lots over two acres as well as for an expanded approach;
- the lack of connection between what is occurring in the community and what is permitted regarding this regulation was observed;
- the economic impact of this issue was acknowledged as an important consideration;
- the need for further exploration of technical issues and consultation with the community on the issue was recognized.

HO-051-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to remove the draft for provision for allowing workshop rentals as a home occupation from the draft bylaw and that the issue for permitting the rental of studio, office or workshop space on a residential lot be added to the Hornby Island Local Trust Committee Project List and that exploratory discussion of this issue be included in an upcoming Community Information Meeting.

CARRIED

HO-052-2012

It was **MOVED** and **SECONDED** that bylaw enforcement staff be requested to prepare a draft enforcement policy that would make the use of an accessory building for rental as a studio, office or workshop to a person who is not a resident of the lot as a low priority for enforcement while the Local Trust Committee is considering this issue.

CARRIED

11.1.2 Staff Report dated November 13, 2012 regarding Status of Official Community Plan/Land Use Bylaw Review

Planner Zupanec reviewed the staff report and outlined revisions to the draft Official Community Plan that are still pending. Next steps were considered.

Discussion on the draft Official Community Plan resulted in support for the following changes:

Section 1.5 The Natural Setting: add the suggested Bird Studies

Canada text;

Policy 6.5.2.5, third line: add “redesignation and” before “rezoning”;

Schedule B – no changes;

Schedule C

1. add the donation of land to Regional Park on the northern part of the Regional Nature Park;
2. add the donation of land to Regional Park in the Strachan Valley;
3. designate Mount Geoffrey Provincial Park as Park;
4. add the exchange of Agricultural Land Reserve on the Weiss property (involved an inclusion/exclusion of land);
5. add the Regional Park donation by the subdivision with respect to the Weiss property;
6. exclude the Co-op Gas Bar from Agricultural Land Reserve;
7. include the property at the end of Anderson Drive in Agricultural Land Reserve.

Trustee Law will provide the Planner with information to clarify these changes.

Schedule D1

1. replace the existing Schedule D1 map with the Islands Trust Sensitive Ecosystem mapping layer data for Hornby Island;
2. add Bird Studies Canada Important Bird Area boundaries;
3. ensure that the aquifer information is included.

Schedule D2

1. maintain the schedule map in the draft Official Community Plan at this time;
2. this map may be more useful in the Community Profile and removed from the Official Community Plan as the data will be included in the Sensitive Ecosystem mapping in more detail;
3. Trustee Law will consult informally with Conservation Hornby Island to discuss the issue;
4. a review of the data on environmentally sensitive areas might be considered with an update to the Community Profile.

HO-053-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee add to the Projects List: “Review of the Community Profile involving adding further information on environmentally sensitive areas and important habitat including the information currently displayed on Schedule D2 of the Hornby Island Official Community Plan”.

CARRIED

Schedule E: expand the Development Permit Area to reflect the inclusion of the Thatch lot on the opposite side of the lot that has provisions in place to only permit parking;

Schedule F – no changes;

Other: Consideration was given to making waiving of Public Hearing requirements more specific as requested by the public. Planner Zupanec advised that staff did not recommend this as adding specific reasons to waive would be superfluous to the *Local Government Act*. Trustees noted that a document on this subject

had been submitted at today's Town Hall and the topic will be addressed at a future time after review of that information.

HO-054-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to update the draft Official Community Plan with revisions to text and map schedules as deemed appropriate by the Local Trust Committee and post to the Hornby web page of the Islands Trust website as "December 2012 draft Official Community Plan version 5".

CARRIED

Planner Zupanec provided an update on the status of the draft Land Use Bylaw, and suggested a proposed timeline for a revised and annotated draft to be presented for Local Trust Committee review.

Discussion included the following:

Zoning of Norris Rocks, Toby Islet and Flora Islet

- consideration was given to designation of zoning of the islets from Residential to Park in draft Land Use Bylaw maps to conform with the Official Community Plan Park designations;
- consultations and dialog with Norris Rocks property owner, Trust Fund Board, and Conservancy Hornby Island regarding conservation options for the islet was addressed. Writing an exploratory letter to the property owner was recommended;
- a draft of the letter will be provided to Planner Zupanec for comment on the process.

Height and Setback of Fences

- no change to the regulations was recommended at this time; the public will have an opportunity to comment and suggest changes to the draft;
- communications to include periodic advocacy statements and information regarding best practices on fence matters was suggested.

Communication strategies to advise the community of the opportunity to review the draft Official Community Plan and to encourage comment prior to the community information meeting were considered.

11.2 *HO-RZ-2012.1 (Vacation Home Rental Regulation)
Communications Strategy*

Communicating the current Vacation Home Rental regulations and planning policies for the public remains at the No. 1 position of the Top Priorities.

The following approaches for communicating the information were discussed:

- Trustee Allen offered to pursue the production of a YouTube video on the subject and to provide a draft script to be reviewed at the February, 2013 Local Trust Committee meeting;

- Trustee Law provided a draft information piece: A Guide to Conducting Vacation Home Rentals on Hornby Island.

HO-055-2012

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to review the text of the draft document: A guide to Conducting Vacation Home Rentals on Hornby Island and post the revised text on the Local Trust Committee website and make it available for use on other Hornby Island websites.

CARRIED

11.3: *Letter dated November 3, 2012 from Conservancy Hornby Island*

The letter dated November 3, 2012 from Conservancy Hornby Island regarding Norris Rocks was received.

12. REPORTS

12.1 *Strategic Plan for Local Trust Committees*

The Strategic Plan for Local Trust Committees was received.

12.2 *Work Program Reports
Top Priorities and Projects List Report dated November 14, 2012*

The Top Priorities and Projects List report was reviewed.

HO-056-2012

It was **MOVED** and **SECONDED** that the Top Priority on the Work Program be amended to make the Official Community Plan and Land Use Bylaw Review No. 1, and the Vacation Home Rentals – Regulations Review No. 2.

CARRIED

12.3 *Applications Log
Report dated November 14, 2012*

The Applications Log dated November 14, 2012 was reviewed.

12.4 *Trustee and Local Expenses*

12.4.1 *Expenses posted to September 30, 2012*

The expenses posted to September 30, 2012 were received.

12.4.2 *Expenses posted to October 31, 2012*

The expenses posted to October 31, 2012 were received.

13. NEW BUSINESS

13.1: Advisory Transportation Committee Discussion

Trustee Law observed that Hornby Island does not currently have an Advisory Transportation Committee and engaged discussion as to whether such a committee might be useful to address various topics including speed limits, emissions and other potential transportation issues that might arise.

The matter was considered and there was no further action recommended at this time.

14. BYLAWS – None.

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page

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

- remove the Vacation Home Rental background information and replace with the new Guide, with links to the draft Official Community Plan and Land Use Bylaw;
- remove the most recent rezoning application files;
- add the new draft Official Community Plan to the Latest News;
- remove the May, June and July Latest News items;
- add “A guide to Conducting Vacation Home Rentals on Hornby Island” to the Latest News;
- correct the typographical error in Climate Change Action “Community Information Meeting Notes – November 15, 2009

16. TOWN HALL

Linda Hanna – stated that deer hunting is occurring at night in her Sandpiper neighbourhood and expressed concerns about safety and the lack of ability for police to respond in a timely manner. She asked what can be done.

In response, Trustee Law encouraged reporting such incidents to the RCMP for the record, and offered to contact a Wildlife Advisory member on Denman Island to collaborate on approaches to address the problem.

Karen Ross – asked for a brief summary of the status of the Vacation Home Rental bylaw amendment.

Trustees advised that the bylaw had been adopted and provided a brief overview of the communication strategy being pursued at this time.

Sheila Farrington – suggested that the Vacation Home Rental guide be forwarded to the Renters' Association and a later dialog informed her that the Association was proposed however had not formed and some of the background was provided.

She suggested that the draft Official Community Plan include an information note with information from the *Local Government Act* on waiving of public hearing requirements to provide clarity on the topic.

Michelle Easterly – asked where she can find information on actions the Islands Trust has taken in respect to preserving and protecting as it relates to oil tankers and pipelines.

In response, she was directed to the Chair Correspondence under the Trust Council heading on the Islands Trust website for a view of some of the work that has been done.

Betty Kennedy – questioned whether adding the terminology of “redesignation” to the policy about Brandsdadsland was sufficient to protect the neighbourhood and provide the assurance that it is residential and will remain so.

In response it was noted that the text was changed to provide clarity of the legally non-conforming status of the property.

Michelle Easterly – observed that the parking lot across the street from the Thatch had been subdivided and attached to the subject property and requested confirmation that the lot was never to be used for anything other than a parking lot.

Planner Zupanec clarified that it is no longer a separate lot but is now part of the development permit area, reflecting the connection to the Thatch and providing parking for the development. She confirmed that the parking provisions have not been affected and that a change would require a rezoning and all due process involved with such a consideration.

Ross Muirhead – asked for an update on the status of the policy permitting ten-acre lots to be subdivided.

In response it was explained that the revised draft Official Community Plan provides a policy enabling that in Rural Residential (R3) zones and reviewing of the draft was encouraged.

17. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, February 1, 2013 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC.

18. ADJOURNMENT

Chair Graham adjourned the meeting at 3:55 pm.

Recorder

Chair