



## **Hornby Island Local Trust Committee Minutes of Regular Meeting**

**Date:** August 12, 2016  
**Location:** Room to Grow  
2100 Sollans Road, Hornby Island, BC

**Members Present** Laura Busheikin, Chair  
Alex Allen, Local Trustee  
Tony Law, Local Trustee

**Staff Present** Rob Milne, Island Planner  
Vicky Bockman, Recorder

**Others Present** Approximately five (5) members of the public - am  
Approximately three (3) members of the public - pm

### **1. CALL TO ORDER**

Chair Busheikin called the meeting to order at 11:45 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed the public and introduced Local Trustees, staff and recorder.

### **2. APPROVAL OF AGENDA**

The following additions and changes to the agenda were presented for consideration:

- 14.4 Marine Protection
- 14.5 Hydro Rates
- 8.0 Delegation – Islanders’ Secure Land Association (ISLA)
- 14.2 Move to follow agenda item 8

**By general consent** the agenda was adopted as amended.

### **3. TOWN HALL AND QUESTIONS**

Fred Hunt expressed concern regarding enforcement of Vacation Home Rental (VHR) regulations, noting that this includes advertising for operations that are non-conforming. He commented that when the VHR bylaws were drafted, Bylaw Enforcement indicated that this type of infraction would be enforceable, however a complaint-driven approach seems to have been taken instead of proactive measures to ensure compliance. He suggested that as a consequence, non-compliance may be increasing. He requested that the Local Trust Committee (LTC) review the relevant VHR resolutions, encourage Bylaw Enforcement to act, consider activating a ticketing program, and initiate a mail out of educational letters.

Christine Hunt agreed with the previously stated assessment and added that the lack of enforcement of non-compliant VHRs is harming those operations that are compliant. She pointed out that there are long-term benefits to ensuring that the regulations are being followed and urged the LTC to address this issue.

Other members of the public commented that the lack of police presence during the week and laissez faire attitude that has existed on Hornby Island may be contributing to the VHR concerns. They noted that the increase in tourists this year may be indicative of more in the future and that these issues are eroding some of the island values and need to be addressed. They observed that VHRs represent a large part of the local economy and commented that research is being conducted to compile a data base of operators and aspects of their operations.

A Trustee responded that concerns have been heard and VHRs are on today's agenda for discussion. He confirmed the need to honour the process while attempting to keep a balance; and for the LTC to follow up to ensure accountability and to allow economic activity in a way that does not negatively affect the land or neighbours. He noted that applications for a Temporary Use Permit for a site-specific zone are an option for conducting activities beyond the basic operations.

Tony Quin provided an update on the Heritage designation program for the Ford Family Heritage Site. He commented that priority is being given to creation of the Statement of Significance and that other aspects of the initiative will be given attention once it is submitted and approved.

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING - none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated June 10, 2016 - for adoption**

**By general consent** the Local Trust Committee meeting minutes of June 10, 2016 were adopted.

**6.2 Section 26 Resolutions-Without-Meeting - none**

**6.3 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated August 2, 2016**

Planner Milne presented the report and provided updates.

Trustee Law reported on progress with the June 10, 2016 activity to contact K'omoks First Nation staff to explore options for a community presentation, and advised that he will continue to follow-up on this initiative.

**By general consent** agenda items 8 and 14.2 were moved to follow item 7.1.

**8. DELEGATIONS - Islanders' Secure Land Association (ISLA)**

Michael McNamara reported that ISLA has found it necessary to alter its business plan by changing the leasing of parcels to residents to outright ownership of strata lots in order to facilitate the ability to secure mortgages and keep the process as simple and affordable as possible for potential residents. He outlined the responses from financial institutions that have necessitated this approach and reported that a restrictive covenant will continue to apply. He questioned whether the Land Use Bylaw (LUB) definition of community housing that requires the land to be owned by a government body or agency or a non-profit organization or other aspects of the relevant regulations would need to be amended to accommodate this change and requested the LTC's assistance to determine next steps.

Trustees considered the information and asked questions for clarity and the following points were noted:

- ISLA representatives confirmed that this proposed ownership structure change was presented at ISLA's June, 2016 Annual General Meeting (AGM) which had been well advertised in the community along with an article in a local publication, and that the AGM had been well attended and response to the change overwhelmingly positive;
- LTC members discussed whether these amendments might be addressed as a bylaw initiated by the LTC rather than requiring ISLA to make application;
- Approaches to redefine community housing were considered;
- A suggestion was made that Planner Milne consult with the Regional Planning Manager for Galiano Island about their Galiano Green project that presents similar challenges;
- An estimate of the process and timeframe for necessary bylaw amendments, such as siting setbacks, was provided by Planner Milne;
- ISLA representatives noted that they are preparing to apply for subdivision and considered that the estimated time for processing bylaw amendment changes would not unduly delay the project; and
- Consideration was given to requesting that a staff report be prepared researching and outlining possible options for LTC review.

**By general consent** agenda item 11 was moved to follow item 8.

**11. BREAK**

**By general consent** the meeting was recessed at 12:50 pm and reconvened at 1:05 pm.

**14.2 Definition of Community Housing - for discussion**

**HO-2016-026**

**It was MOVED and SECONDED,**

that staff be requested to draft a bylaw to amend Land Use Bylaw No. 150 to:

- a) provide an amended definition of community housing that enables dwelling units to be provided on land that is not owned by a government agency or non-profit society; and
- b) provide revised setbacks in Zone 8.3A to enable dwelling units on small lots.

During discussion it was clarified that the staff report will include a review of whether a new definition of community housing would impact other entities or should be specific to ISLA and that information will be brought back to the LTC for review if necessary.

**CARRIED**

**7.2 Land Use Bylaw Amendment - Housekeeping**

**7.2.1 Staff Report dated July 13, 2016**

Planner Milne presented the staff report addressing two minor corrections proposed to the LUB: correcting an incorrect policy reference that does not add or delete any LUB content and rezoning a small area of land from R4 to R2 that would make it consistent with the remainder of the property. He advised that the changes are consistent with the OCP allowing for a waiving of the Public Hearing.

**HO-2016-027**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee reviewed the Directives Only Policies and determined that Bylaw No. 153 is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**HO-2016-028**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 153 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2016" be read a first time.

**CARRIED**

**HO-2016-029**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No. 153 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2016" be read a second time.

**CARRIED**

**HO-2016-030**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee waive the Public Hearing for Bylaw No. 153 and undertake the required public notification process pursuant to Section 464(2) and 467 of the *Local Government Act*.

During discussion Trustee Law commented that he feels comfortable that these changes are minor enough that there would not be sufficient public interest to warrant a Public Hearing.

**CARRIED**

**9. CORRESPONDENCE**

**9.1 Email dated June 29, 2016 from Peter Wardle (Islanders' Secure Land Association - ISLA)**

Received.

**10. APPLICATIONS AND REFERRALS**

**10.1 HO-DVP-2016.1 (BC Ferries Inc.)**

**10.1.1 Staff Report dated July 26, 2016**

Planner Milne summarized the staff report that addresses BC Ferries' Development Variance Permit (DVP) application to replace and upgrade the existing terminal building and sewage disposal field on Hornby Island. He noted that a DVP is being requested as the extent of the property does not allow for the siting of the building and sewage disposal field to meet the setback requirements.

Trustees considered the proposal. A Trustee commented that concerns regarding sewage treatment were mitigated by the professional opinion included in the application that indicated their confidence that the technology proposed will ensure a well-performing system.

**HO-2016-031**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust approve the issuance of Development Variance Permit HO-DVP-2016.1.

During discussion Trustee Allen inquired if BC Ferries would be including reference to K'omoks First Nation in some manner in the new terminal.

Chair Busheikin advised that the LTC had fulfilled its designated task of putting BC Ferries and K'omoks First Nation together to discuss this and that the issue is being considered by those parties who may keep the LTC informed as a courtesy.

**CARRIED**

**12. LOCAL TRUST COMMITTEE PROJECTS**

**12.1 Ford Family Orchard BC Parks Meeting Notes - for discussion**

Planner Milne provided an overview of the July 7, 2016 meeting that he attended regarding the Ford Family Farm Heritage Site project. He noted that BC Parks is contributing some funds to assist in the endeavor and that the Islands Trust is investigating funding sources that might be available through Islands Trust and contacts.

**13. REPORTS**

**13.1 Work Program**

**13.1.1 Top Priorities Report dated August 2, 2016**

Trustees discussed options for Top Priorities and noted that as the Ford Family Orchard Heritage Protection project is not requiring significant, ongoing work that this item might be replaced.

**HO-2016-032**

**It was MOVED and SECONDED,**

that the Top Priorities be amended as follows: delete current item No. 2 “Ford Family Orchard Heritage Protection” and replace it with “Amendment to Land Use Bylaw to address community housing”.

**CARRIED**

Planner Milne requested direction on Top Priority No. 3 and suggested Trustees might provide staff with input to inform the scope and scale of the activity.

**13.1.2 Projects List Report dated August 2, 2016**

Trustees reviewed the Projects List and discussed possible removal of items that have been moved to the Top Priorities.

**HO-2016-033**

**It was MOVED and SECONDED,**

that the following items be deleted from the Projects List: “Heritage Protection for Ford Orchard and Leaf House” and “Review of Vacation Home Rental regulations by 2017”.

**CARRIED**

**13.1.3 Hornby LTC 2014-2018 Term Goal Setting Session**

Received.

13.1.4 Work Program - Suggestions for Discussion

Received.

**13.2 Applications Report dated August 2, 2016**

Planner Milne presented the Applications Report, provided updates and responded to questions from Trustees.

**13.3 Trustee and Local Expense Report dated June, 2016**

Received.

**13.4 Adopted Policies and Standing Resolutions**

A Trustee indicated a desire to discuss Resolution No. HO-IC-2014.001.

Trustee Law declared a potential conflict of interest due to an interest in the property being discussed and left the meeting at 1:31 pm.

LTC members noted that the resolution is scheduled to expire prior to the next LTC meeting and discussed an extension of the resolution maturity.

**HO-2016-034**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee amend the expiration date of Resolution HO-IC-2014.001 to September 30, 2017.

**CARRIED**

Trustee Law returned to the meeting at 1:33 pm.

**13.5 Local Trust Committee Webpage**

There were no changes requested.

**13.6 Chair's Report**

Chair Busheikin reported on the following:

- She commented that Staff Reports have a new format now and suggested that David Marlor can be contacted with any feedback;
- Upcoming Trust Council agenda items of interest were mentioned;
- She advised that Chair Luckham attended a Ministerial panel on the proposed expansion of the Trans Mountain Pipeline System and noted that the Islands Trust is involved in advocacy efforts on this issue; and
- She announced that Fiona MacRaild has joined the Islands Trust as the new Senior Intergovernmental Policy Advisor and will be focusing on First Nation and marine issues.

**13.7 Trustee Reports**

Trustee Allen reported on the following:

- He attended a marine response workshop in Cowichan Bay; and
- He attended Trust Council in June on North Pender Island.

Trustee Law reported on the following:

- He provided an update on the status of the boat ramp improvement;
- He attended a meeting with BC Ferries to discuss the initiation of the 8:00 am priority loading for Hornby Islanders at Denman West terminal; and
- He attended a meeting of Conservancy Hornby Island regarding marine protection.

**13.8 Electoral Area Director's Report - none**

**13.9 Trust Fund Board Report**

Trustee Law was pleased to report that a new conservation covenant has been signed which will permanently protect a significant Garry Oak ecosystem on Hornby Island.

**14. NEW BUSINESS**

**14.1 Local Trust Committee Budget Request 2017-2018**

**14.1.1 Staff Report dated July 12, 2016**

Trustees reviewed the Staff Report regarding proposed draft LTC expense and project budgets for 2017-2018.

**HO-2016-035**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve and forward the draft 2017-2018 budget submission to Financial Planning Committee as presented.

**CARRIED**

**14.3 Short Term Vacation Rentals - for discussion**

Planner Milne provided a summary of issues that could be discussed to inform his analysis for LTC review and development of Terms of Reference for an Advisory Planning Commission referral on the topic of VHRs.

Discussion ensued with the following points noted:

- Bylaw Enforcement is investigating possible abuses; complaints are being heard;
- Current regulations do not provide a tool to identify VHR operators;
- Currently there is no tool to track the required written notification of sewage disposal system adequacy;



- Suggestions for possible review included the use of a Bylaw Enforcement Notification (ticketing) system, the use of Temporary Use Permits, or other permitting process with nominal fees to assist in gathering information;
- A Trustee inquired as to whether the *Local Government Act* provides legal authority to request that information be provided; and
- An informational flyer might be mailed out as a first step.

LTC members invited a member of the public to speak on this issue.

Daniel Arbour noted that he is currently working with Hornby Island Community Enhancement Corporation. He commented that VHRs are a significant economic factor on Hornby Island, encouraging the LTC to consider the positive benefits that VHRs provide and that the level of compliance is high. He urged the LTC to base its review and decision making on solid information gathered such as number of operators, percentage of non-compliance, and number of complaints currently and prior to 2010.

Discussion continued on VHR review and the following comments were noted:

- A Trustee suggested that the complaint-driven bylaw enforcement approach is not being effective;
- A VHR association would be useful to support compliance and best practices;
- Communication with the public prior to the 2017 initiation of this review was supported;
- Planner Milne requested Trustees to send their views on possible approaches to him to assist in his creating a framework for the review.

**HO-2016-036**

**It was MOVED and SECONDED,**

that staff be requested to provide a staff report to identify issues that might be included in a review of Vacation Home Rentals.

During discussion, a Trustee offered to solicit ideas from relevant community members and will provide that information to Planner Milne.

Fred Hunt asked if Bylaw Enforcement will be acting on current infractions and a Trustee responded that the LTC will be seeking Bylaw Enforcement input.

**CARRIED**

**14.4 Marine Protection**

Trustee Law reported on a Conservancy Hornby Island meeting that he attended in his role as liaison with community groups on marine protection issues. He advised that he encouraged the group to focus initially on gathering information and holding a community open house. He proposed that Islands Trust might assist by providing relevant maps and LTC members supported the suggestion.

**HO-2016-037**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request that maps be provided on forage fish, eelgrass beds, shoreline classifications and marine zones for Hornby Island for an October Open House.

**CARRIED**

**14.5 Hydro Rates**

Trustee Law reported that BC Hydro is planning to increase Step 2 electricity rates and BC Utilities Commission will receive comments until September 2, 2016 from those who cannot access natural gas such as the Gulf Islands. He solicited input as to whether the LTC might provide a comment objecting to a rate increase for Hornby Island and providing information supporting alternatives.

Trustees discussed the issue and given the time restraint determined that individual Trustee responses might be an appropriate approach.

A Trustee commented on his understanding that a BC Hydro truck could be permanently based on Hornby Island if enough residents were to request this action. LTC members considered this information and suggested that the Hornby Island Residents and Ratepayers Association might be the appropriate body to make this formal request.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for October 14, 2016 at 11:30 am at Room to Grow, the Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC**

Trustees confirmed the next regular scheduled meeting date, time and location.

**16. TOWNHALL**

Fred Hunt thanked the LTC for the opportunity to speak regarding his concerns.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:33 pm.

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Laura Busheikin, Chair

Certified Correct:

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Vicky Bockman, Recorder