



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: April 27, 2018
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: Teresa Ritemann, Planner 2
 Madeleine Koch, Planner 2
 Vicky Bockman, Recorder

Others Present: Sarah Cavanagh, Negotiator, Ministry of Indigenous Relations and Reconciliation
 Approximately twenty (20) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Busheikin called the meeting to order at 11:31 am. She acknowledged that the meeting was being held in First Nations territory. She welcomed the public; and introduced Trustees, staff, recorder, and Sarah Cavanagh, Negotiator, Ministry of Indigenous Relations and Reconciliation.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

- Christa Yeomans commented on her neighbour's plan to offer glamping, music and a restaurant on their property, expressing concern about the possible negative impacts including noise; and urged the Local Trust Committee (LTC) to prevent this from occurring.
 - Trustees and staff responded that the owners of the property have been in contact with planners, have been made aware of the noise control bylaw, have been encouraged to consult with neighbours, and are following up with the Agricultural Land Commission (ALC) to ensure compliance with regulations.
- Karen Ross and Daniel Arbour, speaking on behalf of Hornby Island Community Economic Enhancement Corp. (HICEEC), read a statement regarding the Vacation Home Rental (VHR) Review project and submitted it for the record. They described survey results that would support a plan for education, however, not an enforcement campaign project. They urged

the LTC to address enforcement of VHRs cautiously so as not to target this or any other business sector.

- Trustees noted that the emphasis in bylaw enforcement will continue to be to work with operators as necessary to achieve compliance and to support the goals of good practices, neighbourhood harmony, protection of ground water and a strong economy. They advised that this matter would be discussed further at agenda item 12.1.

4. CLOSED MEETING

4.1 Motion to Close the Meeting

HO-2018-014

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(d) and s.90(2)(b) for the purpose of considering Adoption of *In-Camera* Meeting Minutes dated February 9, 2018 and Consideration of Confidential Information and that the recorder, staff and guest Negotiator attend the meeting.

CARRIED

The meeting closed to the public at 11:56 am.

4.2 Recall to Order

By general consent the meeting was recalled to order at 12:33 pm.

Sarah Cavanagh, Negotiator, Ministry of Indigenous Relations and Reconciliation left the meeting at 12:34 pm.

4.3 Rise and Report

Chair Busheikin reported that in the Closed Meeting the LTC adopted the February 9, 2018 *In Camera* minutes and received an update on K'omoks First Nation treaty negotiations.

5. COMMUNITY INFORMATION MEETING - none

6. PUBLIC HEARING - none

7. MINUTES

7.1 Local Trust Committee Minutes dated February 9, 2018 - for adoption

By general consent the Local Trust Committee meeting minutes of February 9, 2018 were adopted.

7.2 Local Trust Committee Special Meeting Minutes dated March 20, 2018 - for adoption

By general consent the Local Trust Committee Special Meeting minutes of March 20, 2018 were adopted.

7.3 Section 26 Resolutions-without-meeting Report dated April 19, 2018

Received for information.

7.4 Advisory Planning Commission Minutes - none**8. BUSINESS ARISING FROM MINUTES****8.1 Follow-up Action List dated April 19, 2018**

Planner Ritemann requested direction on the item from February 9, 2018: “Request EC to provide info to LTCs on any relevant outcomes of provincial initiatives to address vacation rentals”. Trustees advised that there is a local initiative addressing this issue and that follow up is no longer necessary for this item.

HO-2018-015

It was MOVED and SECONDED,

that the item “Request EC to provide info to LTCs on any relevant outcomes of provincial initiatives to address vacation rentals” be removed from the Follow-up Action List.

CARRIED**8.2 First Nations and Housing Issues – Memorandum****HO-2018-016**

It was MOVED and SECONDED,

that the item 8.2 “First Nations and Housing Issues – Memorandum” be deferred to the next Local Trust Committee meeting.

CARRIED**8.3 Public Utilities - PU and PU(a) Zones – Memorandum**

Planner Ritemann presented the Memorandum, reporting that the Comox Valley Regional District (CVRD) is considering a repurposing of the old Firehall into a community space for artist and communal studios. She advised of an inconsistency between the stated and intended permitted uses of the PU(a) zone in the LUB which would affect this potential repurposing.

A Trustee confirmed that the intent of the PU(a) zone was to permit uses in addition to the others already permitted in the regular PU zone and suggested that a “housekeeping” amendment might be considered in order to correct this error.

8.4 BC Farm Industry Review Board - Letter dated April 23, 2018

Received for information.

By general consent the meeting was recessed at 12:48 pm and reconvened at 1:02 pm.

9. DELEGATIONS - none**10. CORRESPONDENCE**

Correspondence received concerning current applications or projects is posted to the LTC webpage

10.1 Email dated March 29, 2018 regarding Fords Cove Marina

Trustees discussed the request to hold a Special Meeting to consider the permit applications before the next regularly scheduled meeting in order for the applicant to complete planned renovations in time for summer business.

Trustees and staff discussed the timeline; and staff estimated that the applications could be presented for LTC consideration at the June LTC meeting.

10.2 Email dated April 14, 2018 from K Ross regarding Riparian Areas Regulation

This matter was addressed at agenda item 13.1.2 Projects List.

11. APPLICATIONS AND REFERRALS**11.1 HO-DP-2018.1 AND HO-DVP-2018.1 (Fords Cove Marina) - verbal update**

Planner Ritemann reported that staff are reviewing the application and are aiming for a staff report at the June meeting for LTC consideration.

11.2 HO-LCB-2017.2 (Fossil Beach Farm) - Staff Report

Planner Ritemann presented the staff report addressing the results of the gathering of public input for this Liquor Control and Licensing Branch (LCLB) referral. She noted that an agenda addendum includes letters of support provided by the proponent and observed that the LTC may wish to modify staff's recommendations given this additional information.

The applicant was in attendance and spoke to the application with the following noted:

- Concern was expressed with the LTC's process of gathering information;
- Letters of support from community members known to the proponent were gathered to supplement the responses received through the LTC's process;
- Any neighbourhood concerns will be addressed by the applicant;
- The number of events, guests and hours specified in the application reflect the ALC's regulations; however the applicant does not intend to operate at that level; and
- Approval to hold outdoor special events is essential for the farm's sustainability.

Trustees commented and the following key points were noted:

- The methodology of requesting input was explained;
- The LCLB has the authority to decide on this application and the LTC has the responsibility to provide input received in the public input process; and
- A Trustee suggested comments to provide to the LCLB for LTC consideration.

HO-2018-017**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that the Local Trust Committee has gathered public input for application HO-LCB-2017.2 (Fossil Beach Farm Ltd – ZAMLUK), and would like to provide the Liquor Control and Licensing Branch with the following comments:

Input received (attached)

Emails were sent to close neighbours – residents on Savoie Road, which provides the only vehicle access to Fossil Beach Farm – inviting comments on the application.

The five solicited responses received identified the following issues:

- proposed frequency of events, particularly if concentrated in the summer months;
- proposed hours of operation, particularly as these extend for twelve hours until midnight;
- proposed number of guests (150), particularly if these will be in addition to patrons of other businesses operating on the property

Anticipated impacts resulting from these were identified as follows:

- noise from events until late at night (present noise from the property was reported as audible)
- a large volume of traffic on a quiet, narrow gravel road creating noise, dust and safety issues

(Although notification was not provided to the wider community, some unsolicited input was received. Four residents located close to Savoie Road on Central Road raised concerns similar to those addressed by Savoie Road residents including a potential increase of use of the nearby public beach, that it may be too much for the neighbourhood to deal with all at once, and that they would prefer to wait and see what other potential impacts there may be from the newly-established Cidery business and other uses on the Farm this year before considering this Special Event Area Liquor License application any further. Fourteen residents from elsewhere on Hornby Island also provided input and identified a range of benefits of this proposal to the community.)

The impact of noise on the community in the immediate vicinity of the establishment

Input from neighbourhood residents has identified apprehension of a significant noise impact on nearby properties from event activities and traffic in the immediate vicinity of the establishment.

The impact on the community if the application is approved

Unsolicited input has identified a range of positive impacts for the community. The potential negative impacts that have been identified are in the immediate neighbourhood.

A letter from the Hornby Island Community Economic Enhancement Corporation states that the Fossil Beach Farm plans are aligned with economic enhancement strategies. It also expresses appreciation for the points raised in the neighbours' concerns. The letter then states: "In a small community, it is good to see people voice their concerns, proponents address them, and for neighbours to support each other's efforts to the extent possible."

The Hornby Island Local Trust Committee encourages steps towards an outcome that effectively addresses both interests and concerns.

CARRIED

Discussion continued as follows:

- Daniel Arbour, HICEEC staff, questioned on what basis the LTC chose to conduct the public input process, rather than opting out and allowing the LCLB to gather public input as necessary.
 - A Trustee responded that this is determined on a case-by-case basis and in this case the LTC considered that gathering input from close neighbours who would be the most impacted would be the appropriate approach.

Trustees thanked the community for their participation and expressed their hope that an outcome can be found which balances the various interests and concerns on this matter.

11.3 HO-CL-2018.2 (Grond) – Memorandum

Trustees discussed the Memorandum and the following was noted:

- They acknowledged that authority over mine operations lies with the Ministry of Energy, Mines and Petroleum Resources (EMPR);
- The LTC is providing response to the referral that includes a comment that the Residential 2 (R2) zone does not permit the proposed use;
- A meeting of stakeholders was held as an information session; and
- An appropriate location for gravel extraction is not currently included in the Official Community Plan (OCP) and consideration might be given to addressing this issue.

11.4 HO-RZ-2018.1 (Wiseman) - Staff Report

Planner Koch presented the Staff Report that provides background, an analysis of legislative and policy frameworks affecting consideration of this rezoning application, and raises the point of a technical issue regarding the Minimum Average Lot Area (MALA) in LUB subdivision provisions.

The proponent was in attendance and spoke to the application with the following noted:

- Subdivisions of this nature were common in the past;
- Conversion at the time of the survey from acres to hectares resulted in a lot size of 3.98 hectares and had this not occurred the lot would have met the 2 hectares MALA and would have had subdivision potential;
- A lot line adjustment was investigated as a solution, however, is not a possibility;
- This is a fair and reasonable request in the spirit of density considerations and an important component of the applicant's retirement planning.

Discussion ensued and the following was noted:

- Staff advised that the MALA for the R2 zone is 4 hectares, not 2 hectares, due to a contradiction in the LUB;
- Options were considered including clarifying the R2 zone MALA through an amendment bylaw prior to consideration of this application.

HO-2018-018

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer consideration of rezoning application HO-RZ-2018.1 until issues regarding the Official Community Plan and Land Use Bylaw Minimum Average Lot Area inconsistencies are resolved.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Vacation Home Rental Policy Review Project - Staff Report

Planner Ritemann provided a summary of the Staff Report and proposed that following completion of the Project Review, a Vacation Home Rental (VHR) Community Education and Bylaw Enforcement Campaign project be initiated.

A Trustee suggested changes to the staff recommendations and Project Charter to recognize the importance of not increasing risk to water quality and quantity while supporting compliance and best practices prior to bylaw enforcement.

Chair Busheikin opened the floor for public comment and the following was noted:

- Most complaints are related to noise and occupancy levels when property owners' relatives are staying in VHRs which can be for long periods of time;
- Placing the Islands Trust VHR guidelines on the HornbyIsland.com website would be helpful;
- VHRs are important as Hornby Island does not have hotels or other accommodations for visitors and they support the local economy;
- In the survey from last Fall most responses were positive;
- Caution was urged that bylaw enforcement not target this business sector;
- A one-page information piece detailing regulations for distribution in an accessible and easy to understand format for the public would be helpful.

Trustee comments included the following points:

- Hornby Island VHR regulations are already quite permissive and the aim of this project is to make minor adjustments to maintain a balanced approach; and
- This project is arising from a commitment made to review VHR conditions in five years and is not meant to be punitive.

HO-2018-019

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Vacation Home Rental Community Education and Bylaw Compliance Campaign Draft Project Charter v.1 to read as follows:

Purpose

to undertake an education process to increase community awareness of best practices and regulations with respect to Vacation Home Rentals (VHRs), followed by an enforcement process to address continuing non-compliant operations that exceed VHR regulations, to increase compliance with the existing Hornby Island Land Use Bylaw.

Objectives

Third Bullet: remove "100%"

In Scope

Add a second bullet: Communications with VHR marketing platforms;
Change the last bullet to read: Enforcement of non-compliant VHR operations identified by complaint or advertising.

Workplan Overview

Add an additional Deliverable/Milestone: Communications with VHR marketing platforms - with a date of May 2018;
Change Bylaw Enforcement Letter to VHR operators to: Bylaw compliance letter to VHR operators.

CARRIED

HO-2018-020

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee remove the completed "Vacation Home Rental Policy Review Project" from the Top Priorities List and replace with a "Vacation Home Rental Community Education and Bylaw Compliance Campaign" project.

CARRIED

HO-2018-021

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the amended Project Charter for the Vacation Home Rental Community Education and Bylaw Compliance Campaign, version 1.

CARRIED

HO-2018-022

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee allocate \$750 from the Hornby LTC Special Projects 2018-19 budget to cover costs associated with the Vacation Home Rental Community Education and Bylaw Compliance Campaign.

CARRIED

HO-2018-023

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following Standing Resolution:

“That the Hornby Island Local Trust Committee suspend enforcement actions against unlawful Vacation Home Rentals until January 1, 2019 except where there are issues of health, safety or environmental impact”.

CARRIED

13. REPORTS

13.1 Work Program

13.1.1 Top Priorities Report dated April 19, 2018

HO-2018-024

It was MOVED and SECONDED,

that the Top Priorities of the Work Program be amended by replacing “Housing amendments” with “Land Use Bylaw amendments” as a Description with the Activity “Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments”.

CARRIED

13.1.2 Projects List Report dated April 19, 2018

HO-2018-025

It was MOVED and SECONDED,

that the Projects List be amended by adding the following two items: “Identification of gravel resources in the OCP” and “Review RAR with respect to roadside ditches”.

CARRIED

13.1.3 Hornby LTC 2014-2018 Term Goal Setting Session

Received for information.

13.1.4 Work Program - Suggestions for Discussion

Received for information.

13.2 Applications Report dated April 19, 2018

Received for information.

13.3 Trustee and Local Expense Report dated February, 2018

Received for information.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

There were no changes requested.

13.6 Electoral Area Director's Report - none**13.7 Chair's Report**

Chair Busheikin reported on the following:

- Highlights from her attendance at the Association of Vancouver Island and Coastal Communities conference;
- Her attendance at a Reconciliation presentation talk by Bev Sellers and Bill Wilson on Denman Island; and
- She plans to attend an upcoming indigenous law workshop on Denman Island.

13.8 Trustee Reports

Trustee Allen deferred his report.

Trustee Law reported on the following:

- A meeting he attended regarding the *BC Coastal Ferries Act*;
- He organized and attended an information meeting with the Inspector of Mines, applicant and neighbours regarding HO-CL-2018.2;
- He has arranged meetings with officials regarding roads that will be occurring in May and has been in communication regarding the Fords Cove hill work;
- There will be a community meeting with RCMP officers in May;
- He has been involved in planning an Ecosystem Forum for Baynes Sound and Lambert Channel;
- There will be a meeting with DFO in June regarding the herring fishery; and
- He attended a Community Action Solutions Together (CAST) meeting.

13.9 Trust Fund Board Reports**13.9.1 January, 2018**

Received for information.

13.9.2 April, 2018

Received for information.

14. NEW BUSINESS**14.1 Land-use Planning implications of Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017 – Briefing**

Received for information.

14.2 Approval Process for Water Supply Systems on Salt Spring Island – Memorandum

Received for information.

14.3 Hornby Island Local Trust Committee 2017-18 Annual Report

HO-2018-026

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approves the draft text of the Hornby Island Local Trust Committee Section for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting scheduled for June 8, 2018 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

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

16. TOWNHALL

Comments from the members of the public were noted as follows:

- A question was raised as to how the LTC addressed the request associated with correspondence item 10.2 regarding Riparian Areas Regulation.
 - A Trustee responded that the item has been placed on the Projects List for consideration.
- There was interest expressed in having a community gravel pit in the Light Industrial/Commercial zone, noting that such a proposal could generate profits that might be directed toward the Hornby Community Fund.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:42 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder