



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: July 16, 2021

Location: Electronic Meeting

Members Present: Sue Ellen Fast, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Teresa Mahikwa, Island Planner
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Wil Cottingham, Administrative Assistant
Katherine Vogt, Recorder

Others Present: Approximately seven (7) 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 Fast called the meeting to order at 10:01 am. She acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations. She welcomed members of the public and introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported that the Islands Trust Draft Policy Statement and process has left many Hornby residents feeling frustrated. It would be helpful for a summary of the Draft Policy Statement to be prepared and circulated for discussion at Town hall meetings in the fall, so that Trust Council can receive this information for review at their next December meeting.

Trustee Allen reported that traditional community engagement does not seem to be working well, while social media discussion is increasingly common. Two-way dialogue needs to improve and silence from constituents does not equal agreement.

3.2 Chair's Report

Chair Fast reported on her participation in the following meetings:

- A recent Trust Council meeting.

- A recent Trust Council Conservancy meeting.
- A recent joint meeting between the Trust Council Conservancy and Executive Committee.
- A recent meeting with the Denman Island Local Trust Committee.
- Bi-weekly Bowen Island Council meetings.

3.3 Electoral Area Director's Report

None

4. TOWN HALL

Members of the public commented with the following noted:

- Regarding the 2021.1 Laskin Temporary use Permit (TUP), the Hornby resident experienced difficulties in attempts to comment on this TUP application. On July 5, 2021 the maps and application were supposed to be available; but could not be accessed on July 9, 2021. Planner Ian Cox indicated to the resident that the maps would be available soon and they were available on July 10, 2021. The map did not indicate a new driveway which is near a 4-way stop, the gas bar, and the busiest intersection on Hornby Island. The map also did not indicate a new fenced area or other items related to the TUP operation such as a storage container, a food truck, a 20-foot pipe to divert smoke, several picnic tables and umbrellas. The applicant is also operating a fish shop at this site. Planner Cox, in email communication, seemed to be unaware that these structures were there. The Hornby resident felt they were unable to offer a meaningful response to the TUP.
- Regarding the 2021.1 Laskin TUP, the pedestrian and vehicle traffic around this busy site is dangerous and should be made safer with 4 crosswalks and appropriate signage.
 - A Trustee agreed that the traffic was very dangerous and offered to speak to local Constable Jones.
- The Local Trust Committee should maintain a moratorium on implementing Bylaw Enforcement Notifications (BEN) on non-conforming housing for workers on Hornby until housing problems can be resolved.

5. DELEGATIONS

None

6. MINUTES

6.1 Local Trust Committee Minutes dated May 21, 2021 - for adoption

By general consent the Local Trust committee meeting minutes of May 21, 2021 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting - none

6.3 Advisory Planning Commission Minutes dated May 28, 2021 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated July 8, 2021

Regional Planning Manager Kauer noted that the Follow-up Action List was missing from the agenda package and agreed to forward it to Trustees.

7.2 Analysis of Expedited Temporary Use Permits for Worker Housing – Memorandum

Regional Planning Manager Kauer reported for Planner Ian Cox on his recent June 30, 2021 Memorandum which provides regulatory background on Temporary Use Permits (TUPs) for worker housing. The following 3 options were presented to the Local Trust Committee:

1. Under the current Official Community Plan (OCP) and Land Use Bylaws (LUB), directs staff to prioritize TUP applications for temporary seasonal accommodations on properties within zones designated for TUPs under LUB Section 10.2.
2. Direct staff to batch process such TUP applications to be brought before the LTC for consideration together at the same regular business meeting for expediency, providing all information was complete for each application. This could be accomplished by letting the public know that applications would be accepted by a certain date.
3. Direct staff to utilize a combined public notice strategy for the batched TUP applications and investigate the potential for reduced individual application fees, based on a non-refundable application fee and separate public notice fee structure. Item 3 would necessitate the initiating of a project as it would be more work for staff.

HO-2021-043

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to begin advertising the availability of Temporary Use Permits for seasonal accommodation.

CARRIED

Trustees deferred consideration of a motion for option 3 to 13.2 Projects List.

7.3 Letter dated May 15, 2021 from S. Stanford, Assistant Deputy Minister, Ministry of Citizens' Services to Chair Fast regarding letter of support for Connected Coast Network

A Trustee noted that Karen Ross was a good contact person for this issue and that high quality internet was of vital importance to Hornby Island residents. No further action was deemed necessary at this time.

8. APPLICATIONS AND REFERRALS

8.1 HO-DVP-2021 (4280 Brigantine Crescent) - Staff Report

Regional Planning Manager Kauer provided an update on this Development Variance Permit application that would allow an existing carport to encroach 11 inches into a required 8 metre side-yard setback. The present encroachment was due to contractor error. The site is not subject to bylaw enforcement and there is minimal impact to the neighboring property.

HO-2021-044

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee recommend and approve issuance of HO-DVP-2021.1 as presented.

CARRIED

Regional Planning Manager Kauer clarified for Trustees that the adjacent property owner would have received a letter of information and would have been given at least 10 days to respond, which is the minimum amount of time affected property owners must be given to react under the *Local Governance Act*.

A trustee noted that 'minimum' time requirements for adjacent property owners to respond to applications may not be adequate.

8.2 HO-TUP-2021.1 (Laskin - 3005 St. John's Road) - Staff Report

Regional Planning Manager Kauer provided an update for this new TUP application to allow liquor sales in a beer garden as part of and in addition to an existing food service operation.

HO-2021-045

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee deny application HO-TUP-2021.1 for the following reasons: because of the changing complexity of issues at this location and public expressions of concern for a liquor license at this location.

CARRIED

By general consent the meeting recessed at 11:30 am and reconvened at 11:37 am.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minimum Average Lot Area Amendments Project (MALA) - Staff Report

Planner Mahikwa presented the staff report dated July 16, 2021 that recommends options for the LTC to move forward with Draft Bylaw Nos. 166 and 167 and provides analysis of the Wiseman proposal to amend the bylaw to allow smaller than allowable minimum lot sizes if a 'portion' of the subdivision is dedicated to the community; staff concluded that such an amendment could allow unintended density increases and would involve substantial changes to the existing bylaws.

Planner Mahikwa added that there are Hornby property owners desiring to subdivide whose plans are stalled while waiting for Bylaw Nos. 166 and 167 to pass.

Regional Planning Manager Kauer clarified that R2 zoning presently and clearly disallows lots smaller than 1 ha for residential use. The Wiseman proposal would allow subdivisions of multiple residential lots smaller than 1 ha in exchange for a single dedicated 'portion' of community land in the subdivision. To consider lots smaller than 1 ha, the R2 zoning would have to change. There is no minimum land size for community land dedications.

HO-2021-046

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend proposed bylaw No.166, cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021,” as follows:

Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.1 Objectives and Policies for Development, article 6.1.2 text is deleted in its entirety and replaced with:

“A minimum lot size should be established within the Land Use Bylaw regulations for a lot that may be subdivided pursuant to section 514 of the *Local Government Act* (subdivision to provide residence for a relative) so as to uphold the objectives of the applicable designation in this Plan.”

CARRIED

HO-2021-047

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021,” be read a second time, as amended.

CARRIED

HO-2021-048

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021,” be read a second time.

CARRIED

HO-2021-049

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and a Public Hearing for Bylaw No. 166, cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021.”

CARRIED

By general consent the meeting recessed at 12:00 pm and reconvened at 12:30 pm.

Chair Fast welcomed Senior Intergovernmental Policy Advisor Lisa Wilcox, who joined the meeting at 12:31 pm.

10. CORRESPONDENCE

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

10.1 Email dated July 3, 2021 from T. Law regarding Kómoks Cultural and Heritage Policy

Senior Intergovernmental Policy Advisor Wilcox had recently read the email and responded with the following:

- She was presently working directly with Kómoks First Nation on their Cultural and Heritage Policy and Permitting and Protocol Agreements; and on amendments to

the Islands Trust Draft Policy Statement. Detailed updates could be provided as that work progresses.

- The 2008 Protocol Agreements with Stz'uminus and Lyackson First Nations were still relevant though at different stages of being revitalized.
- Formal referrals and other major initiatives are sent to all First Nations that have expressed rights and title and have treaty and territorial areas that encompass the island. Some First Nations may express particular interest in land use decisions in areas that they see as their core territory, while some may be interested only in marine issues.
- For concerns regarding ancestral loved ones, or sacred or cultural sites, staff will notify the Archaeology branch if no response has been received by a First Nation.
 - Trustees requested further information on the existing Protocol Agreement with Kómoks First Nation.
 - Senior Advisor Wilcox offered to forward any found information back to the chair; and, to check that First Nations other than Kómoks had been informed of the finding of remains at the Thatch.

Regional Planning Manager Kauer noted that only the K'ómoks First Nation has expressed interest in being proactively notified about Hornby Island permits and applications activity.

11. NEW BUSINESS

12. REPORTS

12.1 Trust Conservancy Report dated May 25, 2021

Trustee Allen enjoyed that the video presentation from Carla Funk, Islands Trust Communications and Fundraising Specialist, was inspirational and motivating for conservation fundraising. Chair Fast added that the Natural Area Property Tax Exemption Program (NAPTEP) was only available in the Islands Trust.

12.2 Applications Report dated July 8, 2021

Trustees requested that the historical background information on Bradsdadsland be included in the upcoming staff report on the application.

Regional Planning Manager Kauer offered to provide Trustee Allen with further clarification on the acronym NARU in the application HO-SUP-2021.1-Stead.

Regional Planning Manager Kauer noted that regarding the application HO-TUP-2020.2-Payne, the TUP permit has not officially been issued pending Vancouver Island Health Authority (VIHA) approval.

12.3 Trustee and Local Expense Report dated May 2021

Regional Planning Manager Kauer observed that Trustees were working within their budget.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

A Trustee noted that Toby and Norris rocks Island should be included on the map. Chair Fast suggested that the Trustees Corner portion of the website be considered by Trustees.

13. WORK PROGRAM

13.1 Top Priorities Report dated July 8, 2021

Received.

13.2 Projects List Report dated July 8, 2021

HO-2021-050

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to add a project to the Projects List that will develop a process for the batching of TUPs for worker accommodation.

CARRIED

HO-2021-051

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee request staff to add 'amendment to the Hornby Island fees bylaw' to the Projects List.

CARRIED

By general consent Agenda Item 16. Closed Meeting was moved ahead of Item 14. Information Items and the regular meeting was recessed at 1:19pm

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2021-052

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 (m) for the purpose of considering (d) adoption of In-Camera Meeting minutes dated November 6, 2020 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

By general consent the regular meeting reconvened at 1:40pm.

14. INFORMATION ITEMS

14.1 June 2021 - Trust Council Highlights

Received

14.2 News Release - July 7-8, 2021 Special Trust Council Meeting

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, October 8, 2021

A Trustee expressed that Zoom meetings were popular with many people. Wil Cottingham noted that hybrid in-person/Zoom meetings had been discussed but were not feasible at this time. The next meeting would be in person at Room To Grow Friday October 8, 2021 at 10:30 am.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:56 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder