



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: June 14, 2024

Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Ian Cox, Planner 2
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Daniel Schneider, Bylaw Enforcement Officer (electronic)
Lisa Millard, Recorder (electronic)

Others Present: There were 10 members of the public in attendance.

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 Peterson called the meeting to order at 11:30 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

11.1 Letter to BC Parks Regarding Tribune Bay Works Plan

11.2 K'omoks First Nation Place Names

By general consent, the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported the following:

- Attended a meeting with the Comox Valley Regional District (CVRD) during which the CVRD reported that they were doing a study on licensing short-term vacation rentals (STVRs); and

- Attended a meeting with the K'omoks First Nations and discussed, in part, how to identify areas that might contain First Nation's cultural and heritage values on a map so that property owners would be aware that certain areas might potentially hold historical importance related to First Nations culture.

Trustee Allen reported the following:

- Attended a meeting with the Comox Valley Regional District during which a member of the RCMP indicated that the most frequent issues dealt with are traffic incidents and mental health checks, and that online extortion had increased; and
- Attended a meeting with the K'omoks First Nation during which it was noted that more education is needed regarding First Nations cultural and heritage sites and identification of cultural and heritage place names through the use of signage is important.

3.2 Chair's Report

Chair Peterson reported the following:

- Attended the meeting with K'omoks First Nation and felt it was a positive step forward toward relationship building;
- Attended the meeting with the Comox Valley Regional District;
- Will be attending the Trust Council meeting next week;
- The CAO Hiring Committee has announced the appointment of an interim CAO; and
- Attended the first committee of the whole meeting to discuss the Islands Trust Draft Policy Statement.

3.3 Electoral Area Director's Report - None

4. PUBLIC COMMENTS

A member of the public made the following comments:

- Concerned about the Tribune Bay Provincial Park works project which will (reportedly) bring up to 1500 (one thousand five hundred) truck loads of sand and rock onto the site, that this volume of material can be harmful to the ecosystem, and that a petition had been signed by a large number of community members who opposed the project. They asked if Islands Trust has any jurisdiction or ability to intervene.
 - The Planner replied that they have heard community concerns regarding this issue, the park and campground are under provincial jurisdiction, the Local Trust Committee had not received the petition, and that community members are encouraged to notify the Province about their concerns.
 - One of the Trustees pointed out that this is a public park for the use of the people of British Columbia and that he believes the trails are being improved for accessibility purposes.
- A member of the public stated that there are regulations in place for short-term vacation rentals (STVRs); however, the rules do not appear to be effective as there are a large number of STVRs on Hornby Island that are not in compliance with the bylaws and the bylaws are not being enforced due to staffing issues.
 - The Bylaw Enforcement and Compliance Manager noted that proactive enforcement has been ongoing, that investigations show very few STVRs operating

unlawfully, and that Hornby Island permits STVRs from May to October and if any of them are operating outside of the bylaws then the bylaw staff need to be informed.

- A member of the public asked if the Hornby and Denman Local Trust Committees had a meeting to discuss cross-island ferry traffic.
 - The Chair replied that a meeting with the Ministry of Transportation had been requested but had not been scheduled yet.
- A member of the public asked if the Local Trust Committee had sent a letter to the Crown regarding the siting of the cell tower.
 - The Chair noted that a special meeting had been held to discuss what the Local Trust Committee's response would be once a referral was received from the Province regarding the siting. A Planner stated that the referral had been received the day prior and that they would be working on a reply based on the comments received from the Local Trust Committee.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated April 26, 2024 - for adoption

By general consent, the Local Trust committee meeting minutes of April 26, 2024 were adopted.

A Trustee asked if Advisory Planning Commission members can serve for a third term and it was clarified that there is no limitation on the number of terms that can be served.

6.2 Local Trust Committee Special Meeting Minutes dated May 22, 2024 - for adoption

By general consent, the Local Trust committee special meeting minutes of May 22, 2024 were adopted.

6.3 Section 26 Resolutions-without-meeting Report dated June 5, 2024

Received for information.

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated June 6, 2024

A Trustee stated that the December 13, 2023 motion did not reflect the intent of the discussion and the Planner replied that there were several resolutions made that built on previous ones and it is the intention of staff to provide a report summarizing the motions with suggestions on how to make the wording and intent more clear.

8. APPLICATIONS AND REFERRALS

8.1 HO-RZ-2009.2 (Hornby Island Resort Ltd.) Covenant Variance Request – Memorandum

The Planner summarized the memorandum and highlighted the following:

- Legal counsel for the property owner requested an alteration to the terms of a covenant that was put in place at the time that the property was rezoned;
- The covenant requires green roofs on buildings used for accommodation;
- The new home warranty insurer does not provide insurance for two-storey wood frame building with green roofs;
- The proponent has requested that aspect of the covenant be discharged;
- The discharge is permitted under another section of the covenant;
- The proponent has indicated that they can comply with all of the other terms of the covenant; and
- The property owner will increase the percentage of green roof on the commercial buildings to make up for the portion of the residential building that will not have a green roof.

The proponent was in attendance and spoke to the application.

Discussion ensued and clarifications were provided regarding the overall square footage of green roof required and that a larger portion of green roof will be installed on the commercial buildings, which are made of metal and concrete.

HO-2024-019

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee direct staff to work with the owner's legal counsel to remove the entirety of section 2 of Schedule "A" to Land Title Act Section 219 Covenant CA2090177 registered to the property title, and to include required plantings as a term and bring the draft back to the Local Trust Committee for final review and signature subject to doing a comparable area of green roof on a commercial building.

CARRIED

8.2 HO-DVP-2023.2 (McMurtrie) - Staff Report

The Planner summarized the Staff Report and highlighted the following:

- The variance request is to reduce the 30.0 metre setback from drinking water wells on neighbouring properties to 27.4 metres for a septic disposal field and to reduce the setback from the natural boundary of the sea from 15 metres to 12 metres to accommodate a septic tank; and
- Due to constraints of the site, the location of the principal residence, and the location of neighbouring wells and septic fields the proposed siting has been recommended by a wastewater professional.

The applicant was in attendance and spoke to the application.

The Trustees did not have questions for the applicant.

HO-2024-020

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee approve issuance of HO-DVP-2023.2

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - verbal update

The Planner stated that draft bylaws will be prepared for the August 9, 2024 Local Trust Committee Special Meeting.

10. CORRESPONDENCE

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

11. NEW BUSINESS

11.1 Letter to BC Parks Regarding Tribune Bay Works Plan

The Trustees discussed writing an advocacy letter to address community concerns regarding the extent of the work to be done in Tribune Bay Provincial Park and the volume of gravel and rock to be trucked onto the island and dispersed in the park. It was noted that there is an opportunity for members of the community to contact BC Parks directly to present a petition.

Trustee Scott opposed writing a letter because the work does not extend into the wetlands, the campsites have a low impact as they are spread through the forest, it is not a conservation area, and the park is for the benefit of the people of British Columbia.

The meeting was recessed for a break at 1:05 p.m. and reconvened at 1:22 p.m.

The regular meeting was recessed at 1:22 p.m. to go to Item 15: Closed Meeting.

The regular meeting was recalled to order at 2:10 p.m.

Discussion regarding sending a letter to BC Parks continued.

HO-2024-021

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request staff to send a letter to BC Parks to express concerns heard from the public regarding

- 1) The process of community consultation;
- 2) Changing work plan;
- 3) Location of campsites and wetland area;
- 4) Volume and number of truckloads of gravel and rocks; and
- 5) Additional issues of zoning

CARRIED

11.2 K'omoks First Nation Place Names

A Trustee referred to a 2017 follow up action list, or staff report, which referenced an amendment to the Shared Narrative of Place Project Charter to include K'omoks First

Nations signage on island trails and parks. The Planner stated that they will look into the details and follow up at a future meeting.

12. STAFF REPORTS

12.1 Bylaw Enforcement Notice Amendments - Staff Report

The Bylaw Compliance and Enforcement Manager summarized the Staff Report and made the following comments:

- The report was initiated because the previous siting and use permit bylaw was rescinded and the Local Trust Committee has adopted a new bylaw;
- If the Local Trust Committee wishes to use the siting and use bylaw, then, amendments are required;
- The schedules have been simplified and a penalty for failure to obtain a development permit has been specified; and
- Standard penalties have been applied and include a \$350 penalty for minor contraventions and \$500 for major contraventions.

Discussion ensued. The Bylaw Compliance and Enforcement Manager provided the following clarifications in response to questions from the Trustees:

- The Province has established that the penalty for a bylaw infraction can be set at a maximum of \$500; however, a penalty can be issued for every day that an offence continues;
- There is no set limit for a surcharge;
- Proactive enforcement on short-term vacation rentals is ongoing;
- Bylaw enforcement staff regularly review vacation rental advertisements; however, if the advertisement does not flag any infractions then staff do not have grounds to proceed unless a complaint, or further information, is received;
- Once information is received, bylaw enforcement staff can follow through based on the ability to be proactive;
- Complaints are confidential and individuals can make a complaint anonymously.

HO-2024-022

It was MOVED and SECONDED

that Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024,” be read a first time.

CARRIED

HO-2024-023

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024,” be read a second time.

CARRIED

HO-2024-024

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024,” be read a third time.

CARRIED

HO-2024-025

It was MOVED and SECONDED

that the Hornby Island local Trust Committee Bylaw No. 175, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, Amendment No. 1, 2024,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

- 12.2 Trust Conservancy Report**
Received for information.
- 12.3 Trust Conservancy The Heron - Spring Edition**
Received for information.
- 12.4 Applications Report dated June 6, 2024**
Received for information.
- 12.5 Trustee and Local Expense Report dated March, 2024**
Received for information.
- 12.6 Adopted Policies and Standing Resolutions**
Received for information.
- 12.7 Local Trust Committee Webpage**
No updates at this time.
- 13. WORK PROGRAM**
 - 13.1 Active Projects Report dated June 6, 2024**
Received for information.
 - 13.2 Future Projects Report dated June 6, 2024**
Received for information.
- 14. UPCOMING MEETINGS**
 - 14.1 Next Regular Meeting Scheduled for Friday, September 13, 2024 at 11:30 a.m. at Room to Grow, 2100 Sollans Road, Hornby Island, BC**

A Special Meeting has been scheduled for Friday, August 9, 2024 at 1:00 p.m. to be held electronically.
- 15. CLOSED MEETING**
 - 15.1 Motion to Close the Meeting**

HO-2024-026

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)(a) and (b) for the purpose of considering:

- (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

and that the Recorder, Staff, and representatives of the Ministry of Indigenous Relations and Reconciliation attend the meeting.

CARRIED

15.2 Recall to Order

The meeting was recalled to order at 2:10 p.m.

15.3 Rise and Report

Chair Peterson reported that Joanne Ovitsland, Sadie Chezenko, Vicki Bale, Wendy Burton, Aileen Fearman, Rob McCreary, and Angela Therrien were appointed to the Hornby Island Advisory Planning Commission for a term of two years ending June 14, 2026.

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:40 p.m.

Tim Peterson, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder