



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: September 8, 2023

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: Sonja Zupanec, Island Planner
Margot Thomaidis, Planner 2
Katherine Vogt, Recorder (by Teleconference)

Others Present: Brian Gregg, Consultant for Rogers Communications Inc., (by Teleconference)

There were approximately 25 members of the public in am and 5 members of the public in pm, and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:52 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, Recorder, and members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under Item 11: New Business, add item 11.2: Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Attendance in June at the annual Comox Valley Regional District meeting.
- Working on funding for the Hornby boat launch.

- Attendance at meetings in August as a member of the Trust Programs and Regional Planning Committees.
- A survey for Hornby residents regarding future possibilities for Islands Trust webinars has been posted on Facebook. An email link to the survey can be provided upon request.
- Recent Regional Planning Committee work on the Housing Toolkit, the Housing Strategy, and a Trust-wide housing report.

Trustee Scott reported on the following:

- Input from members of the Hornby Island Ferry Advisory Committee contributed to B.C Ferries summer season use of the bigger ferry “Quinitsa” for Hornby Island, and of two ferries for Denman Island, which seems to have worked well.
- Conservancy Hornby Island is holding a ForestFest event in October to celebrate local forests and ecosystems, to include guest speaker John Vaillant, author of Fire Weather.
- An amazing year for coho and spring salmon around Hornby Island.

3.2 Chair's Report

Chair Peterson reported on the following:

- The June Trust Council meeting included work on the new corporate planning process which integrates strategic and financial planning; and an initiative to improve the First Nations referral process.

3.3 Electoral Area Director's Report

None.

4. PUBLIC COMMENTS

Members of the public asked or noted the following:

- Having a 3-minute time limit for members of the public to speak at a public meeting is unacceptable. In the past there were no time limits.
 - The Chair noted that the agenda allotted 15 minutes for the Public Comments period; and there were 9 speakers wanting to speak.
 - A Trustee noted that, in the past, meetings were extended to accommodate people who wanted to speak.
 - A Trustee noted that Public Comments had been moved from the end of the agenda to the beginning so that speakers would not have to wait so long to speak.
- A representative from the Hornby Island Community Economic Enhancement Corporation (HICEEC) made a call for support from the Local Trust Committee (LTC), the Islands Trust, and the Comox Valley Regional District (CVRD) for two current HICEEC grant applications to fund affordable housing initiatives. There will be an upcoming public consultation event at the Hornby Island Community Hall. Further support is sought for rectifying language in the bylaws regarding the Public Use Zone, to make affordable housing in this zone possible.

- A former Trustee spoke on the history and insecurity of affordable housing on Hornby Island. Barriers to affordable housing remain strong; so, a range of solutions is needed to overcome them.
 - A Trustee acknowledged that the recent report “Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023” was comprehensive and appreciated.
- Most residents overwhelmingly rejected a previous Telus cell tower proposal like the one that Rogers is currently proposing. Residents are still waiting for a face-to-face meeting with a Roger’s representative. Hornby already has decent cell phone coverage, with dead zones able to be serviced by Starlink. Rogers has recently signed contracts with Starlink, which indicates that the Roger’s cell tower proposal is obsolete. Trustees should reject the Roger’s application.
- If a referendum on Roger’s proposed cell tower had taken place before the last LTC election, it could have changed the outcome of the election.
 - An applicant to the Advisory Planning Commission (APC) expressed concern about being denied appointment to the APC. The Chair reminded that the APC election process is done in camera.
 - A Trustee responded that it was not permitted to make public why a person was selected to be on the APC.
 - Planner Zupanec noted that government hiring, firing, and appointments were all done in camera, as a legislated requirement.
 - A member of the public responded that the secrecy surrounding Hornby APC appointments was a problem.
- A current subdivision applicant expressed concern that Planning and Bylaw Enforcement Staff are targeting their application with bylaw contraventions, while letting other developments on the island with similar issues go ahead.
- Starlink is fast and reliable, and the cost is coming down. Over 300 people have signed a petition against the Rogers cell tower proposal, which is unsightly, health hazardous, and obsolete. Trustees should educate themselves on the cell tower health studies. Trustees have the legal power to say ‘no’ to the tower.
- There is a need for an environmental assessment of the Rogers Cell Tower proposal.
- A representative from the Hornby Island Housing Society (HIHS) spoke on current affordable housing initiatives and issues.
 - A Trustee thanked them for all their work and congratulated that the HIHS was the first housing group to give feedback to the Regional Planning Committee.
- A cell tower on Hornby Island is a massive fire and health risk. Trustees should work for the people who elect them and reject the cell tower proposal.
- Overwhelming numbers of tourists in illegal rentals are killing the Hornby Island environment which the Trust has a mandate to preserve and protect.
- Young people who are sustaining residents in their old age should not have to be living in campers.

The Chair clarified that the LTC had the option to concur or not concur to the Rogers cell tower proposal; however, non-concurrence could be overruled by the Federal Government.

- A member of the public noted that the Regional Manager for Innovation, Science and Economic Development Canada (ISED), when recently challenged, did not offer any legislation to show that ISED could overrule local government non-concurrence. ISED did not overrule Hornby's rejection of the previous Telus tower proposal, so there is no reason to think that they would overrule this new Rogers's proposal.

5. DELEGATIONS

None.

6. MINUTES

6.1 Local Trust Committee Minutes dated June 16, 2023 - for adoption

By general consent the Local Trust committee meeting minutes of June 16, 2023 were adopted.

6.2 Section 26 Resolutions-without-meeting Report dated September 1, 2023

Trustee Allen noted that his last name had been misspelled in the Resolutions Without Meeting Log.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 1, 2023

Received.

8. APPLICATIONS AND REFERRALS

8.1 Rogers Cell Tower Proposal - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees require that Rogers align their proposal with the Hornby Antenna Strategy notification content requirements, which are more expansive than the default federal notification requirements.

Brian Gregg noted the following:

- Rogers was amenable to conducting expanded notifications.
- Many current Telus customer residents had requested that Telus be permitted on the Rogers structure and a major update is that Telus is formally now part of the Rogers proposal and would be sharing the tower and adding their equipment to it. Customers of Telus and its subsidiaries such as Koodo, Public Mobile, Bell, and Virgin Mobile; along with Rogers and its subsidiaries such as Fido, and Chatter: nearly every service provider other than Freedom Mobile could be serviced.

HO-LTC-2023-035

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that Brian Gregg plan a meeting in the Hornby Island Community Hall to discuss the cell tower proposal.

CARRIED

HO-LTC-2023-036

It was MOVED and SECONDED,

1. that the Hornby Island Local Trust Committee request that staff work with Rogers to ensure that any future written notification meets the Hornby Antenna Strategy notification content requirements; and
2. that the Hornby Island Local Trust Committee request that staff work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure; and request that Rogers send written notice of the proposal to these remaining property owners and residents; and
3. that the Hornby Island Local Trust Committee request that Rogers send written notice of the proposal to the School District and ambulance services.

CARRIED

8.2 HO-DVP-2022.4 (5905 Maclean Road) - Staff Report

Planner Thomaidis presented the staff report that recommends that Trustees approve the Development Variance Permit (DVP) application HO-DVP-2022.4, which seeks to rectify existing siting contraventions, because there are insignificant affects to neighbouring properties, public beach access, surrounding ecology, or the intent of the bylaw regulation.

The applicant's representative, who introduced himself as the new builder hired by the applicants to correct the errors of the previous builders, explained that unfortunate mistakes had been made by the original architect and builders, mistakes which the applicants had spent considerable time and money to correct. Kómox First Nation (KFN) had reviewed the application and determined that it did not require a Cultural Heritage Investigation permit. A representative from Environment Canada had also inspected the site and saw no issues.

HO-LTC-2023-037

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.4 (Song & Li).

CARRIED

By general consent, the meeting was recessed at 1:35 pm and reconvened at 1:53 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project proposal Endorsement for Fiscal 2024/2025 Budget Process - Staff Report

Planner Thomaidis presented the staff report prepared by Regional Planning Manager Jamurat that asks Trustees to endorse the proposal for First Nation Relationship-Building Major Project, for inclusion in the 2024/2025 Islands Trust budget.

HO-LTC-2023-038

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the proposal for First Nation Relationship Building-Major Project and that the Hornby Island Local Trust Committee request staff forward the proposal to the Islands Trust Regional Planning Committee and Financial Planning Committee for consideration of inclusion in the 2024/2025 Islands Trust budget.

CARRIED

9.2 Major Project: Hornby Island Official Community Plan / Land Use Bylaw Review Project – Memorandum

Planner Zupanec updated Trustees that staff have been working on a draft capacity funding agreement with the staff from the K'ómoks First Nation (KFN) to allow KFN staff to review the scope of potential amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding First Nations references, housing options, and regulating short term vacation rentals.

A Trustee expressed concern that the drafting of bylaws for the OCP/LUB Review Project was being rushed; and, that recent submissions and the Advisory Planning Commission's (APC) key recommendations for housing information needed further consideration.

The APC Chair commented that the housing recommendations in the recent submission: "Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023," had been substantially included in the APC's March 2023 recommendations document.

The Chair clarified that Trustees wanted regulations regarding short term vacation rentals (STVR)s; but that they wanted the Temporary Use Permit (TUP) application for STVRs references removed from the Project Charter.

HO-LTC-2023-039

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to amend the Project Charter to remove references of temporary use permits for short term vacation rentals.

CARRIED

10. CORRESPONDENCE

10.1 Department of Fisheries and Oceans Canada Consultation check-in - Schedule 1 of the Species at Risk Act - Received.

10.2 BC Ferries email dated August 23, 2023 regarding Archeological Site - Received.

11. NEW BUSINESS

11.1 Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023

Trustees acknowledged the 48-page document from former Trustee Tony Law, submitted to the LTC on August 27, 2023, that 1) proposes a comprehensive approach to land use planning for housing on Hornby Island; and 2) provides a description and context for the error in the "Public Use Zone" which needs correction for the HICEEC proposal for community housing in the public use zone south-west of Central Road to be permitted.

HO-LTC-2023-040

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to amend the current Land Use Bylaw Project Charter to correct the error in the Public Use Zone to provide for community housing.

CARRIED

11.2 Letter of support for the Hornby Island Community Economic Enhancement Corporation (HICEEC).

A Trustee expressed apprehension regarding extra content in the letter of support drafted by HICEEC for Trustee endorsement; and questioned the Trust policy and protocol regarding letters of support from Trustees.

- Planner Thomaidis responded that the Regional Planning Manager could draft a letter of support, as has been done by LTCs in the past.

HO-LTC-2023-041

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to prepare a letter of support for the Hornby Island Community Economic Enhancement Corporation regarding funding for affordable housing, under the Chair's signature.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated June, 2023 - Received.

12.2 Applications Report dated September 1, 2023 - Received.

12.3 Trustee and Local Expense Report dated July, 2023- Received.

12.4 Adopted Policies and Standing Resolutions- Received.

12.5 Local Trust Committee Webpage

12.6 Census Infographics – Briefing - Received.

13. WORK PROGRAM

13.1 Active Projects Report dated September 1, 2023 - Received.

13.2 Future Projects Report dated September 1, 2023 - Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, November 3, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:34 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder