



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: February 2, 2024
Location: Hornby Island Community Hall
 4305 Central Road, Hornby Island, BC

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

Staff Present: Sonja Zupanec, Island Planner by Zoom
 Ian Cox, Planner 2
 Jennifer Isaac, Meeting Administrator
 Katherine Vogt, Recorder by Zoom

Others Present: Daniel Arbour, Regional Director
 There were approximately thirty-two (32) members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:33 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced himself, Trustees, and Recorder; and invited Staff to introduce themselves. Planner Cox noted that he had been recently reassigned to Hornby Island, and Administrator Isaac noted that this was her debut meeting as Meeting Administrator. Chair Peterson welcomed Regional Director Arbour and members of the public. He noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Under new business, add items 11.1 Childcare for Local Trust Committee Meetings and 11.2 Comox Valley Regional District Business Licensing for STVRs.

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported on the following:

- Proposed logging in Tribune Bay Park for a new road and extension is concerning because that area of the park contains some of the oldest growth trees on Hornby Island.
- The recent closure of the Tribune Bay Outdoor Education Centre is an important issue for discussion.
- Glamping is an interesting way to bring people to the island and needs further discussion.
- The possibility of halting all short-term vacation rentals on Hornby has been generating a lot of concern.

Trustee Allen reported on the following:

- Looking forward to working with colleagues and four different groups in-person this term.
- Hoping to help make people happy with the situation regarding short-term vacation rentals and other important issues.
- Curveball issues such as the proposed cell tower have stalled progress on other issues; and it is hoped that more progress can be made this term.

3.2 Chair's Report

Chair Peterson reported on the following:

- Attending meetings of the Islands Trust Financial Planning Committee in preparation for budget considerations for 2024/2025 at the upcoming Trust Council meeting in March.
- Attending meetings of the Islands Trust Governance Committee to review and prioritize the recommendations contained in the 2022 Governance Report.
- Attendance at the Salish Sea Symposium last week in Vancouver put on by Transport Canada; trying to get the federal government to understand the transport issues of coastal communities can be challenging; relationship building with Transport Canada officials will be worked on going forward.

3.3 Electoral Area Director's Report

Director Arbour reported on the following:

- The new provincial housing rules have granted several new powers to local governments, including allowing regional districts to issue business licenses; and there is an opportunity this week to request Comox Valley Regional District (CVRD) funds to initiate a collaboration project between the CVRD and the Hornby Local Trust Committee (LTC) regarding possibilities for business licensing for STVRs within the Hornby Local Trust Area.
- The Hornby Boat Ramp Project funds were secured last fall and the project will engage Kómox First Nation (KFN) early on.

- The CVRD is looking at creating a housing authority and would like to consult with Denman and Hornby Islands on their willingness to be a part of it.
- Thank you to the Hornby Island Residents and Ratepayers Association (HIRRA) and the Hornby Island Community Economic Enhancement Corporation (HICEEC) for their information that will contribute to the CVRD draft budget deliberations next week.
- The closure of the Tribune Bay Outdoor Education Centre has been sudden news to everybody; upcoming meetings with various parties will seek to clarify the issues surrounding the closure.

4. PUBLIC COMMENTS

Members of the public asked about or made statements on the following:

- In support of prioritizing a CVRD and Hornby Local Trust Committee (LTC) collaboration regarding possibilities for business licensing on Hornby Island, given that the Hornby Island Community Economic Enhancement Corporation (HICEEC) has long wanted this for short-term vacation rentals.
- Karen Ross updated that the HICEEC application for use of crown lands for housing and a cemetery extension is expected to go in this month. Katherine Ronan is designated as responsible for this application and is requesting that the LTC support it.
 - Planner Cox noted that planning staff have a meeting scheduled with Katherine Ronan on February 6th to discuss zoning considerations and what may be required in terms of Islands Trust approvals.
 - Joanne Ovitsland clarified that the application for crown land for the cemetery will be a separate application.
- In an extraordinary federal court hearing yesterday, Salt Spring Advocate Clarke argued that Rogers had failed to fulfill their obligations to consult with the community as per existing protocols and had behaved poorly. Clarke asserted that Innovation, Science and Economic Development Canada (ISED) had jurisdiction, but not unfettered power, over the proposed Salt Spring cell tower which will contain 9 antennas and 22 panels. In my 15-page submission to ISED earlier this week on behalf of the Concerned Residents of Hornby Island (CRHI), I called on the Minister to discipline Rogers, SitePath, and Brian Gregg for obstructing fair process and to dismiss this and all further applications for cell tower siting on Hornby Island. Our Official Community Plan requires that all public services and utilities installations on Hornby Island should be for servicing Hornby Island only. Trustees should honor their oath to protect all their constituents and vote for non-concurrence today.
 - Chair Peterson reminded that members of the public who wished to speak for a longer time could be better served by speaking as a delegation, for which they would be allotted 10 minutes.
- This 24-story cell tower will need to be covered with lights, visible over the entirety of the island, because it is in the flightpath of the medivac helicopter. This cell tower is to improve Rogers's general cell coverage and bottom line, not to better service Hornby. For better emergency response, Hornby should be getting satellite phones.

- Erecting a fifth-generation tower in the middle of Hornby's main community service area will cover Hornby Island with unhealthy electromagnetic pulses. This military-like installation is designed for the "internet of things" and the surveillance of everything.
- The current cell tower site is a bad site and is too close to the ball park; the bike track and bike trail; the golf course; Joe King Clubhouse; the kitchen and warming center; the weight room; the soccer field; the community school; the pickle ball, basketball, badminton and Spark maker space which is also proposed for a water testing site; the free store; the community hall; the home support building, the outdoor performance area; the outside market; the credit union; the medical clinic; the natural history building; the proposed community housing site; the Hornby Residents and Ratepayers Association building; Room to Grow; and the pre-school. Trustees need to tell the provincial government that the site is inappropriate.
- Fiber optics gives you a much better system than what the tower can offer.
- Please vote for non-concurrence to the proposed cell tower because it is the right thing to do.
- Expressed concern whether planning staff had followed proper legislative process throughout the history of the file. The Official Community Plan states that no such tower can exist on Hornby. This is undisputed as based on documents obtained through the Freedom of Information Act. The law allows trustees to vote non-concurrence at any time.
- Housing advocate April Lewis updated that the Hornby Island Housing Network and the Hornby Island Housing Society have developed a draft Housing Strategy document that will be ready for community feedback soon. In addition, a Community Profile Project for Hornby and Denman Islands was completed and can be accessed online at communityprofile.ca. Please advise us of any errors or omissions in the community profile.
- Advisory Planning Commission (APC) Secretary Joanne Ovitsland noted that the APC housing and short-term vacation rentals (STVR)s recommendations, submitted two years ago, have been stalled and now complicated by the new provincial housing regulations. While business license possibilities are welcome, there are now 10 to 15% more short-term vacation rentals (STVR)s being listed this year than last. Should housing and STVRs be separated to allow for a more efficient process?
- Rogers's cell tower proposal should be null and void if it is going against existing laws.
- Many parents cannot come to this meeting if there is no childcare available.
- In support a cell phone tower free Hornby Island for safety and health reasons. Many people on Hornby have spent a lot of time on their research and presentations regarding this issue. My cell phone already works well in most places on Hornby.
- Does the Islands Trust have any input into road quality issues?
 - Chair Peterson responded that Trust influence over roads issues was limited to letter writing.
- Microwave radiation is damaging to human and plant cells and is a weapon of assault. Children's brains are compromised by microwaves. Safer cell phone technologies exist but have been suppressed.
- There is no public support for this cell tower at this meeting today.

5. DELEGATIONS

5.1 Stuart Amos regarding the Agricultural Land Reserve and A1 Zoned Properties

Stuart Amos, speaking on behalf of the following farms and owners of Agricultural Land Reserve (ALR) designated, A1 Islands Trust-zoned property on Hornby Island: Little Tribune Farm: Nikki Pierce and Stuart Amos; Lerena Vineyards: Daniel Goodman and Rebecca Goldman; 80 Acre Wood: Mike Holmes, Wilfredo Sánchez Vega, and Kristen Berg; Fossil Beach Farm: Aileen Fearman and Jeff Zamluk, noted the following:

- The current delegation is a follow-up to that of the last meeting.
- Farm owners want clear Islands Trust rules that reflect current ALR rules.
- Glamping, currently allowed by the ALR for agri-tourism, is a low impact and good way of bringing people to the island that does not take away from local housing or STVRs, and that provides crucial farm income.

Chair Peterson deferred LTC discussion of the ALR regulations issues to later in the meeting, under Item 13.1.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 13, 2023 - for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 4, bullet no. 14, line 2, correct the spelling of “Griegg” to “Gregg.”
- Under item 5.1, second paragraph, line 1 replace the last name “Savoi” with the correct last name “Fearman.”
- Under Item 5.3, first paragraph, line 3, correct the spelling of the last name “Hoffner” to “Hoepner.”
- Under Item 5.3, sixth bullet, second indented bullet, replace the name “Emily” with the correct name “Eula.”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated January 26, 2024

Received for information.

8. APPLICATIONS AND REFERRALS

8.1 HO-3400-02-2022.1 (Rogers Communications) - Innovation, Science, Education and Development Canada (ISED) Antenna Systems Consultation Process - Memorandum

Planner Cox updated Trustees with the following information contained in the Rogers Communications Memorandum:

- That a recent letter from Ken Pungente, Coastal Offices Director for ISED, indicated that consultation processes between a proponent and a land use authority (LUA) can be extended past the default ISED 120 days in the case where a LUA has requested additional public consultation and notification.
- Staff recently reviewed a new public notification proposal prepared by the proponent who intends to send out the expanded notification area information on February 2nd, which is today. There is no specified timeline for this new notification process per the guidance from Mr. Pungente noted above.
 - A member of the public noted that public responses to the new notification were requested by the proponent by March 8, 2024.
 - Planner Cox to provide clarity for the LTC on whether Rogers will bring this newly compiled public response information directly back to the LTC prior to the anticipated BC provincial Crown Lands referral. To be added as an update to the Follow Up Action List.
- The Local Trust Committee (LTC) can submit a letter of non-concurrence at any time, though staff would not be recommending this approach considering the LTC has requested additional notification; should difficulty arise in communication between the LUA and a proponent, the proponent may seek assistance from ISED as an intermediary and/or request dispute resolution..
- There is some risk of the above to the LTC in deciding upon non-concurrence before the proponent's new public consultation process is completed, given that the new process was requested by the LTC.

Chair Peterson noted the following:

- That a letter of non-concurrence would need to provide rationale deemed acceptable by ISED.
- That the Province is only involved with the Rogers application because they want to use a piece of crown land, rather than private land, for the site of their proposed cell tower.
- If the Province rejects Roger's application, Rogers will need to find a new piece of land and start over again with the public consultation process.

Trustees noted the following:

- ISED has the final say on whether a cell tower would be placed on Hornby or not.
- The previously proposed cell tower had no lighting, but the new proposed tower has full lighting.
- LTC objections to the crown land site that Rogers is applying for seems more defensible than LTC objections to Roger's consultation processes.

By general consent the meeting recessed at 1:16 pm and reconvened at 1:50 pm

Chair Peterson finalized that, given Trustee agreement, a letter of support for Katherine Ronan's applications for crown land for community housing and a cemetery extension could be done by Resolution Without Meeting.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

11. NEW BUSINESS

11.1 Childcare for Local Trust Committee Meetings

Trustee Allen noted that regular LTC meetings, especially as they were held on Fridays, were difficult for parents of younger children to attend; and that available childcare could support families to attend more meetings.

Chair Peterson noted that it would be important to know if LTC funds were available for this purpose, and to have an estimate of cost.

HO-LTC-2024-01

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee ask staff to explore funding for childcare during Local Trust Committee meetings and report back at the next possible opportunity.

CARRIED

11.2 Comox Valley Regional District Business Licensing.

HO-LTC-2024-02

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to send a letter to the Comox Valley Regional District Director in support of funding for a feasibility study concerning business licensing for short-term vacation rentals on Hornby Island, by February 6 if possible.

CARRIED

Chair Peterson noted that he would also be writing a letter of support before the February 6th deadline, so that if the Staff letter was delayed, Director Arbour would have something to work with.

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated January 26, 2024

Planner Cox clarified that the Temporary Use Permit (TUP) HO-TUP-2020.3 for water extraction and sales at the Co-op was approved by the LTC in 2020, but the permit has never actually been issued because one of the conditions of the permit, receipt of a water license from the Province, has not occurred. It is anticipated by planning staff that this license will be forthcoming and that no current action is required.

12.3 Trustee and Local Expense Report dated December, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Chair Peterson questioned the current relevance of Standing Resolution no.7 from 2020:

- Planner Cox responded that this COVID emergency response measure from 2020 that allowed for expanded patio space licenses by the Liquor Control Branch had been wound down by the branch. Staff could look further into it.

A Trustee questioned the slow progress of Standing Resolution No.5 “First Nation Relationship Building.”

- Chair Peterson responded that there were some Band Council elections held in January 2024. Letters to newly elected Band Councils within a month or two of elections could be considered.
- Planner Cox updated that Staff was actively engaged with Kómox First Nation (KFN) and that Trustees could engage KFN through current projects. Advocacy First Nation engagement protocols will be updated shortly by the Regional Planning Manager.

A Trustee noted that Standing Resolution No.8 needed to be updated to reflect the new resolution HO-LTC-2023-046 that removes the end-dates from previous standing resolutions to conditionally defer bylaw enforcement of unlawful permanent dwellings.

- Planner Cox acknowledged the need for updating this item.

A Trustee requested that Planner Cox look into current Advisory Planning Commission (APC) appointments because two of the APC members were coming to the end of their term.

12.5 Local Trust Committee Webpage

12.6 First Nations Relationship Building Update – verbal

Planner Cox, speaking on behalf of Regional Planning Manager Jamurat who sends apologies for being unable to attend the meeting, provided the following First Nations relationship-building update:

- Regional Planning Manager Jamurat and other Islands Trust Staff met virtually with Kómox First Nation (KFN) Chief, Council and Staff on January 18, 2024 and shared

information on the current planning projects for Hornby, Denman, and Lasqueti Islands; and the major works underway by Islands Trust Conservancy and Trust Area Services.

- KFN has indicated that they are interested in participating in Denman and Hornby generally and in the Trust Policy Statement work.
- Capacity funding contained within project budgets will finance ongoing discussions with KFN.
- Planner Zupanec was also present at the virtual meeting with KFN with information regarding the Hornby Official Community Plan and Land Use Bylaw Review Project.
- Director Claire Frater of Trust Area Services and the Acting Senior Policy Advisor Mary Storzer were also present at the virtual meeting.
- Discussions went very well.

A Trustee expressed some concern that the Capacity Funding for First Nations relationship building of \$12,000 for Hornby was excessive given that other Trust Islands also needed funds.

- Chair Peterson noted that Capacity Funds came from the Province specifically for First Nations relationship building; any funds not used by Hornby would go back into the pool of funds for that specific use by other Trust Islands.
- Planner Zupanec noted that \$12,000 was set aside from the Hornby LTC Project budget for capacity funding with the Nation and has not yet been accepted. It would be prudent not to mislead KFN by removing funds just when plans for future work have been successfully set in motion.

13. WORK PROGRAM

13.1 Active Projects Report dated January 26, 2023

The Local Trust Committee (LTC) discussed the possibility for including the alignment of Agricultural Land Commission (ALC) regulations with local Trust regulations into the current Hornby Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project.

Planner Zupanec advised that a draft resolution to include the agricultural regulations issues could be prepared by planning staff for consideration at the next LTC meeting.

- Planner Cox added that better clarity around current agricultural regulations could be provided by planning staff before consideration of a resolution.
- A Trustee considered that this upcoming planner review of existing agricultural regulations across jurisdictions may be appropriate for Advisory Planning Commission (APC) referral.

13.2 Future Projects Report dated January 26, 2024

HO-LTC-2024-03

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee ask staff to add Future Projects Report Number 4 to the Official Community Plan/Land Use Bylaw Review Project.

CARRIED

Planner Zupanec clarified that Item No. 4 on the Future Projects Report, regarding the consideration of zoning amendments to allow chickens (but not roosters) in all zones and the consideration of excluding cisterns from setback regulations, would be added by Staff to the draft charter of the Hornby Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project for Local Trust Committee (LTC) endorsement at the next regular LTC meeting.

14. UPCOMING MEETINGS

14.1 Date Options for Hornby Local Trust Committee Special Meeting - for discussion

HO-LTC-2024-04

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Special Meeting for receipt of advice around provincial housing regulations and the Hornby Official Community Plan be scheduled for March 22, 2024, in person and hybrid, if possible, at the Hornby Island Hall.

CARRIED

14.2 Next Regular Meeting Scheduled for Friday, April 26, 2024 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:46 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder