



## Hornby Island Local Trust Committee Minutes of Regular Meeting

<b>Date:</b>	January 20, 2023
<b>Location:</b>	Electronic Meeting
<b>Members Present:</b>	Alex Allen, Local Trustee Grant Scott, Local Trustee Timothy Peterson, Chair
<b>Staff Present:</b>	Sonja Zupanec, Island Planner Renee Jamurat, Regional Planning Manager Katherine Vogt, Recorder Wil Cottingham, Administrative Assistant
<b>Others Present</b>	Daniel Arbour, Electoral Area A Director, Patricia Maloney, Planner/Consultant Sharon Horsburgh, Planner/Consultant Brian Gregg, Consultant for Rogers Communications Approximately fourteen (14) 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 Peterson called the electronic meeting to order at 11:32 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Regional Director and welcomed members of the public.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. RISE AND REPORT

None.

### 4. REPORTS

#### 4.1 Trustee Reports

Trustee Allen spoke on the following:

- Acknowledgement of Coast Salish First Nations.
- Numerous Islands Trust orientations and webinars attended in the new term.
- Becoming Vice-Chair of the Trust Programs Committee.
- Being a member of the Regional Planning Committee.
- Welcoming new Chair Peterson and looking forward to the new term.

Trustee Scott spoke on the following:

- Acknowledgement of Kitasoo First Nation of the Great Bear Rain Forest where he was currently visiting.
- Welcoming existing staff, Director Arbour, new Regional Planning Manager Jamurat, and new Chair Peterson.
- Issues regarding the new proposed cell tower and the Thatch.
- The Herring Forum upcoming in early March will be exciting and is set to include the Kitasoo First Nations Chief and his contingent; a speaker on historic weirs in the Comox estuary; and possibly a speaker from K'ómoks First Nation.
- Attendance as a Trust advisor on the Ferry Advisory Committee will pass to Trustee Allen for the new term.
- Recent election to the Trust Conservancy.
- Thank-you to all Advisory Planning Commission (APC) members for their hard work over the last term.

#### **4.2 Chair's Report**

Trustee Peterson spoke on the following:

- Looking forward to being the new Chair of the Hornby Island Local Trust Committee and learning about issues of concern to the Island.

#### **4.3 Electoral Area Director's Report**

Director Arbour spoke on the following:

- Congratulations to Trustees Allen, Scott and Peterson on their re-elections to the Islands Trust.
- In the last term, the format of at least one meeting per year between Islands Trust staff and the Comox Valley Regional District (CVRD) has worked well, and it is hoped that members of the Hornby Island Housing Society could be invited to attend as well to better plan for funding opportunities.
- Ongoing work on septic regulation and education across the CVRD; and recent contamination outbreaks in the local marine environment.
- Open to suggestions for initiatives in the Hornby Coop area.
- As a representative with the Federation of Canadian Municipalities, recent negotiating of infrastructure funding agreements for community building and climate change funds.
- Many local communities are wanting to see safety and walkability improvements in their busy neighborhood core areas.

### **5. PUBLIC COMMENTS**

Members of the public spoke on the following:

- Congratulations to returning Trustees Scott and Allen, and welcome to the new staff.
- The proposed cell tower should be delayed until 6 months after the City West fibre optic line is in place; and the notification area requirement in the Model Cell Tower Strategy should be enlarged to a 1000 metre circumference to include the school and community hall. Hornby's rural quality of life should not be sacrificed for convenience.
- The Hornby Depot staff of 7 requested that CUPE Local 556 send a letter of concern of a safety code 6 regarding the extreme closeness of the proposed cell tower to the depot and have received a response from Brian Gregg.

## 6. DELEGATIONS

### 6.1 **Hornby Island Community Hall Committee and/or Hornby Island Residents and Ratepayers Association (HIRRA) regarding Establishing a Community Heritage Register for Hornby Island**

Margaret Birch, member of the HIRRA Community Hall Committee, delivered a power point presentation on the efforts to date to establish a Community Heritage Register on Hornby Island, noting the following:

- The Heritage Register would recognize and celebrate historic places on Hornby: the Community Hall, School House, and Room to Grow would be prioritized; future consideration could be given to private heritage homes and historic barns.
- Funding from the CVRD of \$4200.00 to prepare the first step 'cultural heritage statement of significance' is available from April 2023.
- The Community Hall Committee is seeking renewed support from the Local Trust Committee (LTC) and a modest amount of time and budget from planning staff to enable the accessing of the CVRD funds.
- The Heritage Register and the establishment of a Heritage permit process will need to be developed and administered by the Islands Trust.

Trustees discussed the feasibility of taking on the Heritage Registry as the chosen small project for the current term. Further discussion was deferred to agenda Item 10.1.

## 7. MINUTES

### 7.1 **Local Trust Committee Special Meeting Minutes dated October 6, 2022 - for adoption**

**By general consent** the Local Trust committee meeting minutes of October 6, 2022 were adopted.

### 7.2 **Section 26 Resolutions-without-meeting Report dated January 12, 2023**

Received.

### 7.3 **Advisory Planning Commission Minutes - none**

## 8. BUSINESS ARISING FROM MINUTES

### 8.1 **Follow-up Action List Report dated January 12, 2023**

Received.

## 9. APPLICATIONS AND REFERRALS

### 9.1 **Denman Island Local Trust Committee Referral for Response regarding Bylaw Nos. 228 and 229**

Planner Zupanec explained that the two Denman Bylaws represented years of work on aligning regulations on Denman land within the Agriculture Land Reserve (ALR) with new Agriculture Land Commission (ALC) regulations; and clarified the regulations of farming activities outside of ALR land.

**HO-LTC-2023-001**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee requests staff to advise the Denman Island local Trust Committee that their interests in proposed Bylaw No 228 and 229 are unaffected.

**CARRIED**

**By general consent**, the meeting was recessed at 12:19 pm and reconvened at 12:28 pm.

**By general consent**, Trustees addressed agenda Items 13 and then 11 before Item 10 to allow for Consultants' availability.

Consultants Patricia Maloney and Sharon Horsburgh joined the meeting at 1:16 pm.

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1.1 Comprehensive Official Community Plan Review - Staff Report**

Planner Zupanec presented a status update report on the Official Community Plan (OCP) and Land Use Bylaw (LUB) Review project.

Consultant Maloney and Trustees discussed the previous electronic public engagement and next steps in the consultation process.

Planner Zupanec noted that there was approximately \$5000.00 remaining in the budget for consultants' engagement with the APC and one more electronic meeting with the community. Very recent correspondence from the community was requesting that the APC engagement be expanded to include other community groups.

APC Chair, Wendy Burton was invited by Trustees to speak to the proposal to invite outside groups to the upcoming meeting between the APC and Consultants. She noted the following:

- members of the community had been invited to attend APC meetings and correspond with the APC throughout their referral process, especially members of the Hornby Housing Society, Hornby Island Community Economic Enhancement Corporation (HICEEC), and Hornby Island Short Term Rentals Association (HISTRA) were invited and did participate with a voice but no vote throughout the entire APC meetings process.
- the APC have been silenced and excluded for months from the discussion by not being able to communicate directly with the consultants.

**HO-LTC-2023-002**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration.

**CARRIED**

**HO-LTC-2023-003**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, but after the Advisory Planning Commission meeting, to solicit public input on options to regulate Short Term Vacation Rentals.

**CARRIED**

**HO-LTC-2023-004**

**It was MOVED and SECONDED,**

that a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the review project.

**CARRIED**

**HO-LTC-2023-005**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project.

**CARRIED**

Planner Zupanec noted that an \$8000.00 business case for March Trust Council approval, if approved, would allow forward movement on existing LTC projects.

Consultants Patricia Maloney and Sharon Horsburgh left the meeting at 1:56 pm.

**11. CORRESPONDENCE**

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

**11.1 Letter dated December 1, 2022 from E. Hoepfner of Aquarian Systems Ind. regarding Siting of Water Cisterns**

Planner Zupanec noted that other Trust jurisdictions had excluded cisterns from setbacks in their LUB for greater siting flexibility on small lots; and that Initiating a small LUB amendment for cisterns could be accomplished with minor public engagement within the fiscal year within the \$5000.00 budgeted for a single yearly allowable minor LTC project.

**HO-LTC-2023-006**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee ask staff for analysis on resources and funding in adding 'Heritage Registry' and 'Excluding cisterns from the setback requirement' and adding to the projects list by next meeting.

**CARRIED**

**By general consent,** the meeting was recessed at 12:53 pm and reconvened at 1:16 pm.

**12. NEW BUSINESS**

**12.1 Local Trust Committee Meeting dates for 2023 - for consideration****HO-LTC-2023-007**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: March 24, May 5, June 16, September 8 and November 3.

**CARRIED**

Planner Zupanec advised that in-person meetings were dependent upon meeting venues being booked far in advance of the actual meeting.

Chair Peterson offered that he was very amenable to in person meetings and acknowledged that it was easier to pivot from an in person to an electronic meeting, but almost impossible the other way around.

**12.2 Local Trust Committee Projects and Priorities - Staff Report**

Planner Zupanec presented the staff report which asks Trustees to review and endorse the current Active and Future Projects List-previously called the Top Priorities and Projects List; or provide direction for any changes to it.

A Trustee noted that the four-corners issue was missing from the list.

**HO-LTC-2023-008**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee advise staff to defer item 12.2 until the next regular meeting.

**CARRIED**

A Trustee requested that the-updated Projects list for next meeting, including the Four-Corners item, be provided to Trustees prior to the next meeting by email.

Consultant Brian Gregg joined the meeting at 2:20 pm.

**12.3 Rogers Cell Tower Proposal – Update**

Planner Zupanec introduced the Consultant for Rogers Communications, Brian Gregg, noting that he had undertaken the community consultation and notification portion of the application process for the proposed 63 metre tower on Hornby Island, consistent with Federal requirements; and that he could answer to Trustees the extent to which the Islands Trust Model Cell Tower Strategy was not aligned.

A Trustee questioned that the Islands Trust Model Cell Tower Strategy had been voted on and adopted by the Hornby LTC in September of 2022, so why was it overlooked by the consultant who defaulted to the Federal strategy instead? The consultant explained that prior to the departure of the previous Islands Trust Regional Planning Manager, ROGERS was not informed that the strategy had just been adopted by the LTC.

Consultant Brian Gregg noted the following:

- Previous experience with the Hornby community on a Telus application for a Cell Tower on Hornby informed the consultant that extra time and attention would be needed to ensure a responsible, acceptable location for the tower.

- The consultant insisted that Rogers re-review its proposed locations for the benefit of public acceptance.
- A first proposed Firehall location was rejected by the Province based on strict Crown Grant regulations that permit only one user on the land.
- The present proposed site for the Cell Tower has been vetted through consultation with the Ministry of Forests, Lands, and Natural Resource Operations (FLNRO) as having no other known applications or conflicts.
- Many months of consultation with the former Islands Trust Regional Planning Manager, Heather Kauer took place before the Hornby LTC adopted the Model Cell Tower Strategy. The manager did not inform ROGERS upon their departure that the strategy has just been adopted by the LTC.
- The Rogers application file was handed to Acting Regional Planning Manager Zupanec, who was also working under the original advice of staff that the Federal consultation process was in effect.
- Besides the Crown Application, referrals have been sent to 10 First Nations. K'ómoks First Nation, identified as a key stakeholder, has responded.
- The Innovation, Science and Economic Development Canada default federal consultation process was then initiated because we were unaware of their being a local protocol model.
- The federal default and local protocol model are almost the same, involving newspaper notices, Trustees discussions, notices in 4 local publications, mail-out notifications to anyone within a radius of 3 times the proposed Tower height, the last of which is the Federal requirement but could be added to.
- ROGERS exceeded Federal requirements by conducting a digital public meeting, which complies with the LTC strategy.
- Planner Zupanec has advised of ROGERS needing to introduce the project at this LTC meeting to comply with the local protocols.
- The comment period for the public meeting formally closed on the 13<sup>th</sup> but a Crown application can take over a year, so there is no pressure to end public discussion.
- Approximately 130 total public comments have been received to date; roughly 1/3 support, 1/3 oppose, and 1/3 neutral or asking for information.

Trustees asked the following questions and Brian Gregg provided the following answers:

- What is the difference between a Crown Grant and Crown Land?
  - The Province is clear that entities that are granted land for a specific purpose are not to sub-lease that land, especially if profit is involved. Small airports in remote areas are prohibited from even having a café on them. On general Crown lands, where there are no designated uses, one must submit a license application and wait while the Crown sends out multiple referrals
- The Tower is too close to the depot, school and community hall. Can it be pushed back further into the Crown land?
  - The present proposed location is not the only possibility. It was chosen for existing road and power accessibility to minimize the ecological footprint and avoid having to cut trees. A new location would necessitate an entirely new application process so would need substantial merit.
- What was the response from K'ómoks First Nation?

- They essentially provided a non-comment while asserting their rights to the land into the future, which is a common response. If there is opposition, they are usually quite clear.
- What was Rogers Communications' response to the community request to hold a public meeting at the Hall about the Cell Tower?
  - An in-person meeting is reasonable but a prior public meeting experience on Hornby was disorderly. Also, security threats are a concern.
- A Trustee had been unable to get into the electronic public meeting session; and off-island residents may have also missed it.
  - Another electronic session could be provided.
- How much coverage would the Cell Tower provide and how many customers were with Rogers?
  - It was not personally known how many Rogers customers there were, but Telus was applying for co-location of the Cell Tower which would cover Telus, Rogers, Bell, Fido, Public Mobile, Chatter and many other subsidiaries. Carriers are required to cooperate on Cell Towers. The only locations on Hornby that may not be reliably covered are the upper portions of Mount Geoffrey and the seawater level point of Helliwell Park. Coverage maps can be provided on request.
- Could the Cell Tower cause broadcasting interference for the radio station?
  - A letter from the radio station was received by Rogers who responded. Basically, the 2 systems are on different frequencies and should not interfere.
- What about 911 calls?
  - He was not personally sure if Cell Towers on Lasqueti or Texada could route 911 calls; but a Cell Tower on Hornby would allow 911 calls for anyone with a cell phone, with or without a cell plan.
- What about migratory and other birds and the impact of 24-7 lighting of the Tower.
  - Rogers had applied to Transport Canada for no marking and lighting and expect to be agreed to because no aircraft would be likely to fly so low because of the height of Mount Geoffrey. Birds are most likely to be confused by flashing lights and wind turbines. Cell Towers are not generally required to conduct environmental impact assessments.
- The site of the Cell Tower had been proposed for a significant Community Housing project so there would be a lot of public resistance.
  - Rogers does not want to conflict with a housing application; but no application existed prior to Rogers' application. Also, the lot is 200 acres and Rogers only needs a small 15x15 meter compound with underground electrical wiring to the site.
- Could the application be paused until after fibre-optic had been established?
  - Fibre-optic is a wonderful service but does not replace the need for mobile cell service.
- Chair Peterson asked what the Federal consultation standard lacks as compared with the local trust consultation protocols and could Rogers make up the difference?
  - Brian Gregg responded that the main difference is that the Hornby protocol requires a public information session which Rogers has done. The notification radius process may be different and further notification could be done. There is plenty of time to fill any gaps and apologies are offered if the process seemed

rushed. A large amount of effort over many months has already gone into the process.

**HO-LTC-2023-009**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to work with applicant Rogers on a report regarding steps the applicant has taken to date and their consistency with the Model Cell Tower Strategy.

**CARRIED**

Trustee Scott abstained.

Planner Zupanec noted that time spent on a summary report by planning staff would be considered routine for applications processes and would not detract from staff work on other Hornby major and minor projects.

Chair Peterson thanked Consultant Brian Gregg for presenting and answering questions.

Consultant Brian Gregg left the meeting at 3:45 pm.

**By general consent**, the meeting was recessed at 3:46 pm and reconvened at 3:51 pm.

**12.4 Possible Amendments to the Model Strategy for Antenna Systems**

Chair Peterson spoke on his recent letter to Planner Zupanec regarding the recent Salt Spring Island Local Trust Committee resolution that added more robust First Nations and BC Archaeological Branch requirements to their Tower Siting protocols.

Trustees received Chair Peterson's letter for information.

**13. REPORTS**

**13.1 Trust Conservancy Report dated October 6, 2022**

Received

**13.2 Applications Report dated January 12, 2023**

Received

**13.3 Trustee and Local Expense Report dated November, 2022**

Received.

**13.4 Adopted Policies and Standing Resolutions**

Trustees discussed the recent election of the new Chief for K'ómoks First Nation.

Planner Zupanec noted that Trust Area Services was taking the lead in communications with K'ómoks First Nation.

**HO-LTC-2023-010**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee requests that staff write a letter to the K'ómoks First Nation new Chief and Council reintroducing Trustees and Staff; and provide a schedule of Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities.

**CARRIED**

A Trustee added that the letter should begin by congratulating the new Chief and Council on their recent election.

**13.5 Local Trust Committee Webpage**

**14. WORK PROGRAM**

**14.1 Active Projects Report dated January 12, 2023**

Planner Zupanec noted that for the next agenda, the Active and Future Projects Lists would be corrected where necessary.

**14.2 Future Projects Report dated January 12, 2023**

Received.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Friday, March 24, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC**

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**HO-LTC-2023-011**

**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 (d) for the purpose of considering (a) appointments to the Advisory Planning Commission and Appointments to the Board of Variance and (d) adoption of In-Camera Meeting Minutes dated September 9, 2022 and that the recorder and staff attend the meeting.

**CARRIED**

The meeting was closed at 3:58 pm.

**16.2 Recall to Order**

There was no recall to order.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:31pm.

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Timothy Peterson, Chair

Certified Correct:

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Katherine Vogt, Recorder