



## Hornby Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 10, 2022

**Location:** Electronic Meeting

**1Members Present:** Sue Ellen Fast, Chair  
Alex Allen, Local Trustee  
Grant Scott, Local Trustee

**Staff Present:** Heather Kauer, Regional Planning Manager  
Stephen Baugh, Planner 2  
Katherine Vogt, Recorder

**Also Present:** Sarah Cavanaugh, Ministry of Indigenous Relations and Reconciliation  
Melissa Quocksister, Treaty Communications  
Michael Blackburn, Federal negotiations Manager  
Amanda Kellett, Acting Assistant Negotiator  
Approximately fifteen (15) members of the public

### 1. CALL TO ORDER

Chair Fast called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Trustees, staff and recorder; and welcomed members of the public.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 9.5 Entrance sign

**By general consent** the agenda was adopted as amended.

### 3. RISE AND REPORT - IN CAMERA MEETING MAY 6, 2022

Chair Fast reported that at the last Hornby Island Local Trust Committee (LTC), meeting, there had been an in-camera meeting at which Trustees had adopted the previous in camera meeting minutes.

### 4. REPORTS

#### 4.1 Trustee Reports

Trustee Allen reported on the following:

- The upcoming Trust Council meeting from June 21 to 23 will be electronic, will invite public comments on the Tuesday evening of June 21; and will be a large, important meeting.
- Policy Statement Review in relation to the 1970's Islands Trust Act.
- Community and Trust Council fragmentation regarding many issues.

- Attendance at the upcoming June 17, 2022 Baynes Sound/Lambert Channel Ecosystem Forum.

Trustee Scott reported on the following:

- The recent Advisory Planning Commission (APC) report to Trustees regarding housing and short-term rentals (STRs) is advisory and much more community consultation will take place before any bylaws are changed. The APC has done a good job with their report given that STRs consensus is hard to achieve; and the issue is complicated.
- Attendance as a presenter at the upcoming June 17, 2022 Baynes Sound/Lambert Channel Ecosystem Forum which is focusing on herring this year.

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

Chair Fast reported on the following:

- Preparing the weighty agenda for the upcoming June Trust Council meeting which includes 3 Trustee motions, the Management Governance Review, and the Trust Policy Statement. This Executive Committee agenda package will be available to members of the public on the Islands Trust website today.
- Climate Leadership Institute conference at the University of British Columbia.
- The use of electronic meetings to mitigate anticipated ferry schedule disruptions, and disruptions due to illness.
- Upcoming Bowen Island Municipal Council meeting.

#### **4.3 Electoral Area Director's Report-none**

### **5. DELEGATIONS**

#### **5.1 Ministry of Indigenous Relations and Reconciliation – Delegation**

Chair Fast welcomed Sarah Cavanaugh, a negotiator with the Ministry of Indigenous Relations and Reconciliation, who was presenting an update on K'omoks Treaty negotiations and reconciliation.

Sarah Cavanaugh introduced Melissa Quocksister, Treaty Communications; and noted that they would be later joined by Michael Blackburn, Federal negotiations Manager and Amanda Kellett, Acting Assistant Negotiator.

Sarah Cavanaugh presented a series of slides which included the following:

- History of Indigenous relations and 30 years of treaty negotiations.
- Assertion and non-assertion rights within flexible First Nations Treaties, and the ability for First Nations to add rights in the future.
- Concurrent laws concept that allows First Nations to align their laws to Provincial and Federal laws over time.
- For K'omoks First Nation (KFN), a closing land/cash offer and a Chief Negotiators Understanding should be finalised this fall. KFN members-vote, government ratification, and implementing land transfers and other agreements will take until about 2026.
- The core territory of KFN is in the Comox and Sayward Valleys. In the Comox Valley, this includes the KFN Reserve; some woodlot land in Union Bay; a 10 Hectare

property on Hornby Island; a piece in the Forbidden Plateau ski area; the Mount Washington gravel pit; the tip of Goose Spit; some land on Brown's River on Piercy Road; and Sandy Island/Tree Island.

- Sandy Island/Tree Island and Seal Islet had been negotiated many years ago and will continue to be a marine park.
- KFN has 2 large chunks of Agreement in Principal land within the Union Bay Kensington Estates properties complex: 680 hectares of Royston Forest and 840 acres of Sage Hills. These lands are set to become Treaty Settlement Land.
- Whereas about 90% of land in the entirety of BC is Crown and 10% private; in the Comox Valley it is 86% private and 14% Crown.
- A newly launched website; letters to interest groups; emails to stakeholders; presentations to local governments; and open house information events for members of the public will occur from May to September 2022. Local governments are being asked to request upcoming open houses.
  - Trustees requested an open House for Hornby Island and wished to include archaeological sites information.
    - Melissa Quocksister offered to prepare an information/historical brochure for Hornby Island. Trustees were invited to contact her or Sarah Cavanaugh for information. Jessie Levine could be contacted for specifically archaeological information. Contact information was on the KFN website.
    - Sarah Cavanaugh noted that she would be sending the presentation to Regional Planning Manager Kauer and requested that the presentation and contact information be added to the Islands Trust website for public information.
    - Melissa Quocksister clarified that K'omoks and Pentlatch were essentially the same.

## 6. CLOSED MEETING

### 6.1 Motion to Close the Meeting

The regular meeting was recessed at 11:14 am. Electronic attendees were asked to leave the meeting.

#### **HO-LTC-2022-032**

**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(2) (b) for the purpose of 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 and a third party and that staff and recorder attend the meeting.

**CARRIED**

### 6.2 Recall to Order

The regular meeting reconvened at 11:31 am and Chair Fast welcomed back members of the public.

## 7. TOWN HALL

Members of the public noted the following:

- Regarding recent Advisory Planning Commission (APC) recommendations on STRs, the extensive community consultation that took place in the early part of the 2000's on the Hornby Official Community Plan (OCP) and Land Use Bylaws (LUB) should also occur for any further changes proposed for the OCP and LUB. Extensive consultation involved meetings on Hornby, and in Victoria and Vancouver, to capture Hornby residents and off-island taxpayers.
  - Trustee Scott noted there would be community consultation upcoming.
- Trustee Scott is doing important lobbying work to improve Hornby ferry service.
- The Zoom meeting today is less preferable than an in-person meeting.
- STRs and local long-term rental housing shortages are two separate issues. Restricting tourism by taking away STRs could exacerbate the rental housing problems by negatively affecting local businesses and their workers.
- Every person affects Hornby pollution in the same way, regardless of whether they are a tourist or a local, so more focus should be put on proper infrastructure.
- It is concerning if upcoming community consultations are run by the APC because they are biased. They only want to enforce pollution rules on a 9% segment of Hornby residents while leaving the other 91% free from rules.
  - Trustee Scott noted that the LTC would be running future community consultations.
  - Trustees and Chair Fast discussed the term 'biased.'

## 8. MINUTES

### 8.1 Local Trust Committee Minutes dated May 6, 2022 - for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 8.4, first paragraph, 4<sup>th</sup> bullet point on page 6, add at the end of the sentence a new sentence: 'Trustee Allen volunteered to contact Claire Frater regarding signage.'

**By general consent** the minutes were adopted as amended.

### 8.2 Section 26 Resolutions-without-meeting - none

### 8.3 Advisory Planning Commission Minutes - none

## 9. BUSINESS ARISING FROM MINUTES

### 9.1 Follow-up Action List Report dated June 1, 2022

Trustee Allen noted that Claire Frater had recently expressed concern about the need to move forward with the Trustee requested power-point presentation on how the Islands Trust works, for the benefit of members of the public.

Trustee Scott expressed disappointment that it had been two and a half years since the initial request and that many problems may have been averted if members of the public had had better understanding of the Islands Trust.

Chair Fast noted the recent heavy workloads of the communications staff.

### 9.2 Municipal Regional District Tax (aka "Pillow Tax") - verbal update

Regional Planning Manager Kauer noted that Trustees had previously questioned that the pillow tax, instituted on June 1, 2022, had bypassed LTC consideration. The Hornby Island Community Economic Enhancement Corporation (HICEEC) had applied for the tax with help from the Comox Valley Regional District (CVRD).

Trustee Allen noted that some in the community had brought the pillow tax issue up because they had not heard anything about it previously.

Karen Ross explained how HICEEC had worked with Destination BC and the CVRD since 2018 to become an eligible entity for the Municipal Regional District (MRDT) pillow tax noting the following:

- The MRDT tax was instigated in the Whistler and Tofino resort municipalities in the late 1990's.
- In 2018, legislation changed to allow some tourism money to go towards affordable housing, to mitigate the effects of tourism on local housing needs. Many municipalities applied for this tax offer.
- Fixed roof accommodation providers come together to work with Destination BC under the Minister of Finance.
- The taxing eligibility is usually applied to an electoral area; but Destination BC supported Hornby as an isolated area within the CVRD to be eligible for the tax.
- Implementation of the program involved public and stakeholder consultation; and a consultant from Tourism Vancouver Island was hired to speak about the program and another consultant was hired to develop a required 5-year strategic plan and an annual plan.
- The tax is collected by the fixed roof establishments and remitted to the Minister of Finance. The money goes into a registered Tourism Fund. A portion of this can go to affordable housing. Some goes to provincial tourism events.
- The information for the Hornby MRDT pillow tax is on the HICEEC website under the MRDT tab.
- This is not a tax on the residents of Hornby. Fixed Roof accommodation providers are levying this tax voluntarily to mitigate the effects of tourists on Residents.

Trustee Allen noted that 2 attendees were notifying him that they were not able to get into the meeting.

- Regional Planning Manager Kauer responded that they had been removed earlier for attempting to get into the meeting during the In-Camera segment and that they may need to use a different account to gain access. Nobody was presently being blocked.

### **9.3 Siting and Use Permit Bylaw No. 168 - Staff Report - for consideration of adoption**

Bylaw No 168, replacing the older Siting and Use Permit bylaw, had previously gone through three readings and executive approval.

#### **HO-LTC-2022-033**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No.168 cited as "Hornby Island Trust Committee Siting and Use Permit Bylaw No. 168, 2021", be adopted.

**CARRIED**

**9.4 Hornby Island Local Trust Committee Fees Bylaw No. 169 - Staff Report - for consideration of adoption**

Bylaw No. 169, replacing the older Fees bylaw, had previously gone through three readings and executive approval.

**HO-LTC-2022-034**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee Bylaw No.169, cited as "Hornby Island Local Trust Committee Fees Bylaw, 2022", be adopted.

**CARRIED**

**9.5 Entrance Sign**

Trustee Allen reported that he had recently found the original Denman/Hornby entrance signs images on a bicycle website; that Communications Trust Area Services Director, Clare Frater, had recently indicated that funding was available for entrance signs; and that K'omoks First Nations (KFN) could be requested to provide advice for updating language for the new signage.

Chair Fast noted that there was progress being made towards a Trust wide entrance sign protocol, but that Hornby may want to initiate a solo project.

Trustee Allen indicated that he would seek further input from other Trustees and Director Clare Frater at the upcoming Trust Council meeting.

**10. APPLICATIONS AND REFERRALS**

**10.1 HO-DVP-2022.3 (Wyndham - 975 Mount Road) - Staff Report**

Planner Baugh presented the staff report which recommends that Trustees consider denying the applicant's request for a waiver for a legal site survey. He clarified that the property had no buildable area that would not be within required setbacks. A suggested Biophysical Assessment to confirm previously mapped wetland features had already been submitted by the applicant with their variance application.

The applicant spoke to the history of the property and the application.

**HO-LTC-2022-035**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee has determined that it is reasonably necessary that the applicant of HO-DVP-2022.3 (Wyndham) provide, as required by Section 2.7(1) of the Hornby Island Land Use Bylaw No. 150, a plan, a plan signed by a B.C. Land Surveyor, showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot.

**CARRIED**

**10.2 HO-SUB-2022.2 (Aikman and Mace - 2066 Belcarra Road) - Staff Report**

Regional Planning Manager Kauer presented the staff report prepared by Planner Mahikwa which asks Trustees to exempt one of two lots in the proposed subdivision from the 10 % minimum required lot frontage on a highway, as recommended by planners.

- Trustee Allen asked if the dwelling classified as a duplex on one of the properties would be classified as a secondary suite; and asked if the other panhandle property nearby on Wetzel Road would impact this new panhandled property; and asked if the applicant was aware, that if the subdivision goes through, that the duplex may need to be partially de-commissioned.
  - Regional Planning Manager Kauer noted that the duplex issue would have been reviewed; and will research the other questions.

#### **HO-LTC-2022-036**

**It was MOVED and SECONDED,**

that per *Local Government Act* Section 512(2), the Hornby Island Local Trust Committee exempt the “Proposed Lot 1” in the proposed subdivision layout plan for HO-SUB-2022.2 from meeting Hornby Island Land Use Bylaw regulation 6.6(1), the minimum 10% lot frontage on a highway requirement.

**CARRIED**

**By general consent,** the meeting was recessed at 12:32 pm and reconvened at 12:52 pm.

## **11. LOCAL TRUST COMMITTEE PROJECTS**

### **11.1 Official Community Plan and Land Use Bylaw Amendment Project - Staff Report**

Regional Planning Manager Kauer presented the staff report which provides options to Trustees to process APC bylaw amendment recommendations and which recommends that Trustees endorse a project charter. She noted the following:

- The Islands Trust has built into its bylaw process the standard protocol, not legislatively required, of holding a Community Information Meeting (CIM) prior to a Public Hearing, after which Trustees can no longer take public comments. Trustees can request more than one CIM.
- The \$15,000 budget for the bylaw amendment project assumed the hiring of a consultant to draft the bylaw and bring it to first and second reading and to Public Hearing. This did not assume a CIM.
- The cost for an on-island consultant led workshop meeting could approach \$5000.00. If the consultant engaged remotely this cost could be significantly reduced.
- Actual bylaw drafting could be put on hold until staffing capacity was adequate, or an extra business case could be presented to Trust Council for additional funds.
- The current project does not assume the following two topics: review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Euston Roads; and review of the aquifer classification system.

**HO-LTC-2022-037**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to amend the project charter to include two consultant led workshops, one in-person in September and the second to be determined.

**CARRIED**

**HO-LTC-2022-038**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the Hornby Island Official Community Plan Amendments Review Project Charter v.1.0, as amended, dated June 10, 2022.

**CARRIED**

**HO-LTC-2022-039**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee add the following to the Projects List:  
a. Review of development that may impact within the steep slope and sensitive Gary Oak ecosystems between Central and Euston Roads; and b. A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021.

**CARRIED**

**HO-LTC-2022-040**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to draft a business case for phase 2 of the project charter.

**CARRIED**

**12. CORRESPONDENCE-none**

**13. NEW BUSINESS - none**

**14. REPORTS**

**14.1 Trust Conservancy Report - none**

**14.2 Applications Report dated May 31, 2022**

**14.3 Trustee and Local Expense Report dated March, 2022**

Received.

**14.4 Adopted Policies and Standing Resolutions**

**14.5 Local Trust Committee Webpage**

**15. WORK PROGRAM**

**15.1 Top Priorities Report dated May 31, 2022**

It was noted that the 'minimum average lot area' project was completed and could be taken off the list.

**15.2 Projects List Report dated May 31, 2022**



Trustee Scott expressed that the RAR Maps were problematic.

Regional Planning Manager Kauer noted that Freshwater Specialist William Shulba should have a new report for the LTC on the next agenda, but this would not include fixing RAR maps.

**16. INFORMATION ITEMS - none**

**17. UPCOMING MEETINGS**

**17.1 Next Regular Meeting Scheduled for Friday, September 9, 2022 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC.**

**HO-LTC-2022-041**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request that the next regular meeting be scheduled for Friday, September 9, 2022 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC or possibly on Zoom as required.

**CARRIED**

**18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:59pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Katherine Vogt, Recorder