



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: April 26, 2024
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
Ian Cox, Planner 2
Lisa Millard, Meeting Administrator
Katherine Vogt, Recorder

Others Present: There were approximately thirty-one (31) members of the public in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:41 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced himself, trustees, staff, recorder, and members of the public; and noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Regret for being over-committed and having to step down from the Regional Planning Committee despite enjoying it; but will remain as Vice-Chair of the Trust Programs Committee.

Trustee Scott reported on the following:

- At the last Hornby Local Trust Committee (LTC) meeting, I mistakenly negated the significance of the Temporary Use Permit, which is a foundation to all the other

Advisory planning Commission recommendations; so, to correct this, a Resolution Without Meeting (RWM) was called, and a motion was made to correct the previous incorrect motion, rather than wait two months for the next regular meeting which would have stalled the process.

3.2 Chair's Report

Chair Peterson reported on the following:

- The hiring committee for a new Islands Trust Chief Administrative Officer (CAO) will be contracting with an executive search firm shortly; and may need to hire an interim CAO, internally or externally for a term of 3 to 4 months, if a new CAO is not found before the current CAO retires.
- The first upcoming Islands Trust Committee of the Whole meeting in May 2024, consisting of deliberative discussions without decision making, will focus on the Islands Trust Policy Statement Review Project.
- Upcoming April 29, 2024 meeting in Victoria to speak with senior staff of the Ministry of Transportation and Infrastructure (MOTI) to revive the longstanding agreement since 1996 for an interagency taskforce to be created for the purpose of regular communications.

3.3 Electoral Area Director's Report

None

4. PUBLIC COMMENTS

Chair Peterson, for purposes of clarity, advised members of the public on the following:

- The Hornby LTC would be considering, at the current meeting, the endorsement of a revised Public Charter for the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review as contained on page 67 of the current agenda package; however, this process is a long, ongoing one involving numerous readings, referrals, a community information meeting, a public hearing, and ministerial approval, the last of which might occur in the winter of 2024/2025 at the earliest.
- The recent resolution made at the Resolution Without Meeting (RWM) was made so that staff did not waste time on tenuous bylaws.
- Trust Council Meetings Procedures Guidelines Section 2.1; Sections 13.2.; 13.3; and 13.4 and Sections 26.2; 26.3; and 26.4; provide the authority for RWMs.
- RWMs do not allow discussion: a trustee proposes a resolution and forwards it to staff who forward it to the Chair who considers it for proceeding to a vote. RWMs are used for resolutions that are non-controversial between trustees because, if discussion is required, the regular meeting process must prevail.
- RWMs cannot be used to conduct second or third readings of a bylaw.
- The Comox Valley Regional District (CVRD) has agreed to fund a feasibility study for business licensing of short-term vacation rentals (STVR)s on Hornby; however, the study may not take place and its outcome is uncertain. Business Licensing would be in addition to relevant

zoning permissions or Temporary Use Permits; they cannot override existing OCP and LUB land use permissions.

- TUPs, as a means of permitting STVRs, can be capped through the LTC declining to consider new applications.
- Draft Official Community Plan (OCP) and Land Use Bylaw (LUB) should be received by the LTC from staff this summer, followed by further public input.

Chair Peterson further clarified that Special Meetings of the LTC, in contrast to regular LTC meetings, are called for topic specific reasons; so, agenda items such as delegations and public comments are excluded.

Members of the public asked or spoke on the following:

- Speaking for 51 long-term residents on Hornby Island who co-signed a recent letter to the LTC expressing support for the LTC supporting the Advisory Planning Commission recommendations of March 2022 for TUPs and other measures to regulate tourism.
- Hornby has had the most lenient regulations on STVRs in the entire Trust Area. STVR operators have been very vocal but do not speak for all Hornby residents. Community values other than profit need to be upheld.
- Is anyone aware of a draft Project Charter dated January 2017 regarding home shares on Hornby Island?
 - The Chair acknowledged severe audio issues with the internet connection of the member of the public.
 - A trustee noted that a plug in or attachment to the computer may be causing the crackling audio issue.
 - A trustee invited the member of the public to contact trustees directly.
- Speaking as a member of the board of the Hornby Island Short Terms Rentals Association, (HISTRA) supports the intent and direction of the proposed new Project Charter, but requests that the phrase “prohibiting vacation rentals as an outright permitted use in residential zones” be rewritten with a more positive tone. Also, can the application and approval of TUPs be added to the timeline of the Project Charter? Also, can staff provide clarity on the upcoming June 2024 meeting at which the first draft bylaws are slated to be reviewed? Also, can the LTC provide a definition of short-term as “less than 30 days” so that workforce housing on Hornby is not jeopardized by the provincial definition of less than 90 days being applied by default?
- The clarification on RWMs was welcome given that it had created some consternation. Also, how many are on the APC and how are they selected because we need a variety of views so that the whole island is served? Also, I support HISTRA.
 - The Chair responded that members were appointed by the LTC after a call for expressions of interest.
 - A planner responded that there were six APC members currently.

5. DELEGATIONS

5.1 Hornby Island Community Economic Enhancement Corporation regarding Worker Housing Crown Land Application

Ross Birchall, Managing Partner of Wellesley Consulting Group (WCG) headquartered in Victoria, provided the following update on various housing initiatives of the Hornby Island Community Economic Enhancement Corporation (HICEEC).

1. Rural Economic Diversification Infrastructure Program (REDIP) Grant Application Update
 - The REDIP application was successful and HICEEC was recently granted \$100,000.00 for project costs, such as feasibility studies and business planning, for safe affordable housing on Hornby. Thank you to the Local Trust Committee (LTC) for their letter of support, to Islands Trust staff, and to others who contributed to this successful outcome.
2. BC Builds Program Update
 - BC Builds is a new housing program delivered by BC Housing to speed the development of new homes for middle-income working people in BC including in rural communities.
 - Lisa Helps, the Executive Lead for BC Builds Project Origination, is working with HICEEC toward Hornby Island being a Partner Community; and exploring funding and investment opportunities.
3. Crown Land Use Application Update
 - WCG is advising the HICEEC board on the preparation of a formal Crown land use application to the provincial government and is seeking help from the LTC for an amendment to Land Use Bylaw (LUB) 150 Public Use (PU) (a) section to allow for additional permitted uses so that housing might be permitted on this Crown land in the future.
 - Planner Cox asked if the request to the LTC was to sponsor a rezoning application.
 - Ross Birchall responded that the intent was for the language in the bylaw to be less restrictive for a possible future housing application.
 - The Chair requested further clarification from WCG on the specifics of the rezoning request.
 - HICEEC is also exploring possibilities for private landowner and developer options for affordable housing.
 - Acknowledgement of the commitment of various Hornby organizations to the establishment of local affordable housing.

Trustees asked or noted the following:

- Is the HICEEC proposal going to be fraught with the same sort of continual delays and cost increases as Beulah Creek?
 - Ross Birchall responded that the federal and provincial political momentum for housing has shifted towards housing; but that the increased funding

mechanisms available must be accessed through the heavy lifting and collaborating of local community groups.

- There is trustee support for this housing initiative, and there seems to be Advisory planning Commission (APC) support.

Chair Peterson thanked Ross Birchall for his presentation and acknowledged the progress made.

6. MINUTES

6.1 Local Trust Committee Minutes dated February 2, 2024 - for adoption

By general consent the Local Trust committee meeting minutes of February 2, 2024 were adopted as presented.

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

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

6.3 Section 26 Resolutions-without-meeting Report dated April 19, 2024

Received for information.

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated April 19, 2024

Received for information.

7.2 A1 Zone Agri-Tourism Accommodation Use - Staff Verbal Update

Planner Cox noted the following regarding A1 zone agri-tourism accommodation:

- The newly formed Hornby Island Agricultural Association (HIAA) previously requested that such accommodations be allowed.
- Bylaw Enforcement has advised staff that such accommodation use is not currently permitted.
- The Local Trust Committee (LTC) could initiate a minor project to review this issue.
- The LTC could consider a broader view of agricultural regulation such as the Denman Island Farm Plan, which is a major project spanning several years.
- The LTC could include this issue in the current Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project in the same way that backyard chickens and cistern issues have been included.
- Consideration of limiting the number or type of agri-tourism accommodation units adds further complexity. Currently, 10 units are permitted.
- The LTC could direct non-enforcement of the use through standing resolution.

HO-LTC-2024-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee refer accommodation use in all agricultural zones and further agricultural tourism regulations to the Advisory Planning Commission.

CARRIED

7.3 Childcare Budget at Local Trust Committee Meetings - Staff Verbal Update

Planner Cox noted that recent discussion with the Regional Planning Manager clarified that childcare at Local Trust Committee meetings is a matter for the Trust Council Executive Committee given current lack of policy direction, and the issues of insurance and selection of childcare providers.

Trustees discussed that an informal survey to gauge potential interest and numbers would be helpful going forward.

7.4 Advisory Planning Commission Member Terms and Appointments - Staff Verbal Update

Planner Cox noted that the current Advisory Planning Commission (APC) term was ending on May 6, 2024 and that the planning team assistant would be sending notes out thanking members for their service and asking if they would like to serve another term, as well as canvassing the community for other expressions of interest; and that up to seven (7) APC members could be appointed for a two (2) year term.

Trustees considered that APC continuity was important for the current ongoing projects; and that a mix of new and current members would be welcome.

Planner Zupanec confirmed that APC members could serve a second term for reasons of continuity.

8. APPLICATIONS AND REFERRALS

8.1 HO-DP-2023.2 (Ford's Cove) - Staff Report

Planner Cox presented the staff report that recommends that trustees approve the Ford's Cove development permit for renovations to the rooves and exterior cladding of six (6) guest cabins and a washroom at the site, with no additions to the footprints of the existing buildings.

HO-LTC-2024-008

It was MOVED and SECONDED,

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

CARRIED

8.2 Rogers Cell Tower - Staff Verbal Update

Planner Cox updated trustees with the following information regarding the Rogers cell tower proposal:

Staff met recently with representatives from Innovation Science and Economic Development Canada (ISED), and a representative from Provincial Crown Lands, which clarified that the Rogers proposal was unusual in involving three levels of jurisdiction; and that the Province has ultimate land use authority over the Crown land, but that they generally do not go against local government zoning regulations. The role of ISED is to manage the process. The LTC should expect a referral from Crown Lands by summer, at which time the LTC could concur or not concur; and the LTC could provide further comment on the referral through the Chair. Staff is expecting further public feedback from Rogers.

- A trustee asked if ISED could overrule the Province for national security purposes.
- Planner Cox responded no, that ISED was more an intermediary to intervene on impasses of the public engagement process.
- A trustee asked how Rogers' application might conflict with the upcoming Crown land application from the Hornby Island Community Economic Enhancement Corporation (HICEEC).
- Planner Cox responded that both Crown land reviews would be technical analyses based on current permitted land uses in the bylaw and that the HICEEC request involves a land use bylaw amendment and may or may not also involve an Official Community Plan (OCP) bylaw amendment.
- Karen Ross explained that the HICEEC request was hoping for a bylaw change but that a resolution by the LTC of their strong intention to endorse the Crown land housing use proposal of HICEEC would be welcome.
- Trustees noted their previous strong support for the HICEEC Crown land housing proposal.

Planner Cox advised that Crown land referral deadlines can be last minute or up to thirty (30) days, though staff can request extensions.

By general consent the meeting was recessed at 1:29 pm and reconvened at 2:00 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Heritage Register - Staff Report

Planner Cox presented the staff report on the Heritage Register that recommends that trustees endorse a revised Project Charter that removes the First Nations engagement portion because First Nations engagement over the next year is already built into the Official Community Plan/ Land Use Bylaw Review Major Project.

HO-LTC-2024-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Community Heritage Register Project Charter version 2.0, dated April 26, 2024, reflecting a revised work program, timeline, and budget.

CARRIED

9.2 Major Project: Hornby Island Official Community Plan and Land Use Bylaw Review - Staff Report

Planner Zupanec presented the staff report that recommends that trustees endorse the revised Official Community Plan (OCP)/Land Use Bylaw (LUB) Review Project Charter 2.3; and, that trustees schedule a special meeting in July 2024 to consider draft OCP and LUB bylaw amendments regarding housing and vacation rental regulations.

Trustees discussed Advisory Planning Commission (APC) Recommendations and the extent of their inclusion in the current Project Charter.

- Planner Zupanec advised that the in-scope column of the current Project Charter contains the APC recommendations that have been previously formally endorsed by trustees; and acknowledged that some recommendations may have been missed; and that the scope of the Project Charter could be expanded or contracted at a future time.
- Planner Zupanec advised that it would be presumptuous of the local trust committee to consider future Temporary Use Permit applications before a bylaw is adopted, which conceivably may be no sooner than spring 2025, and may be much later because ministerial approval may take up to a year.
- First Nations responses to the initial draft OCP/LUB bylaws would necessitate a new round of amendment discussions.

Chair Peterson noted that members of the public had noted a lack of clarity in the Hornby definition of short term, regarding vacation rentals.

HO-LTC-2024-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Project Charter v. 2.3, dated April 26, 2024 to reflect the revised in-scope topics, timeline, deliverables and budget of the Official Community Plan and Land Use Bylaw Review project.

CARRIED

HO-LTC-2024-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to schedule a special meeting in July 2024 for the Local Trust Committee to review and consider the draft

ADOPTED

Official Community Plan and Land Use Bylaw amendments pertaining to housing and vacation rental regulations

CARRIED

HO-LTC-2024-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to reach out to the present Advisory Planning Commission members to see if they are interested in staying on; and to publicize to potential new members, interest in the Advisory Planning Commission.

CARRIED

HO-LTC-2024-013

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule a Special Meeting in May to discuss future usage of the parcel of Crown Land in the Public Use Zone, given the new information received that the land use authority is under three jurisdictions, in order to

1. Respond in a timely manner when we receive referral from the province on the Rogers Cell Tower proposal,
2. Respond to the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the local Housing Society's request to amend the bylaws governing the Public Use Zone given for much needed affordable housing based on the needs of the community, and
3. To discuss additional permitted uses in the Public Use Zone.

CARRIED

10. CORRESPONDENCE

10.1 Email dated February 2, 2024 from K. Dewinetz regarding Hornby Island Agricultural Association

Received for information.

10.2 Letter dated March 15, 2024 from D. Ellis regarding Restrictions in Aquifer 1A (Whaling Station Bay Aquifer)

Planner Zupanec noted that it was an in-scope item in the Official Community Plan (OCP)/ Land Use Bylaw Review project to “Designate all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer.”

A trustee expressed concern that there could be unintended consequences to this item and that it would need to be revisited.

10.3 Email dated March 25, 2024 from H. Holm regarding Cross-Island Traffic

Received for information.

10.4 Letter dated April 2, 2024 from T. Law regarding Official Community Plan and Land Use Bylaw Review Project

Received for information.

11. NEW BUSINESS

11.1 Denman Local Trust Committee with Minister of Transportation Meeting Invitation regarding Cross-Island Traffic

Chair Peterson noted that the Denman Local Trust Committee (LTC) had requested the meeting with the Minister and had invited the Hornby LTC to attend.

HO-LTC-2024-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee in conjunction with the Denman Island Local Trust Committee invite the Minister of Transportation to discuss ongoing issues of cross-island ferry traffic and road conditions on Denman and Hornby Islands.

CARRIED

Chair Peterson offered to clarify the invitation process with Vice Chair Maude and report back to the Denman and Hornby LTCs.

12. STAFF REPORTS

12.1 2023/24 Annual Report - Approval of Hornby Islands Local Trust Committee's Section - Request for Decision

HO-LTC-2024-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2023/2024 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Applications Report dated April 19, 2024

Received for information.

12.4 Trustee and Local Expense Report dated February, 2024

Received for information.

12.5 Adopted Policies and Standing Resolutions

12.6 First Nations Relationship Building

Planner Cox noted that First Nations relationship building was taking place through the Hornby Island Official Community Plan and Land Use Bylaw Review Project.

12.7 Local Trust Committee Webpage

13. WORK PROGRAM

13.1 Active Projects Report dated April 19, 2024

Received for information.

13.2 Future Projects Report dated April 19, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Friday, June 14, 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 3:20 p.m.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder