



Hornby Island Local Trust Committee Special Meeting Agenda

Date: August 15, 2014
Time: 11:30 am
Location: Hornby Island Community Hall
Central Road
Hornby Island, BC

	Pages
1. CALL TO ORDER	11:30 AM - 11:30 AM
2. APPROVAL OF AGENDA	
3. CONSIDERATION OF LATE REFERRAL, BYLAW NO. 149	
3.1 Staff Report dated July 30, 2014 - attached	2 - 4
4. NEXT MEETING	
Friday, September 19, 2014 at 11:30 pm at Room to Grow, 2100 Sollans Road, Hornby Island, BC.	
5. ADJOURNMENT	

STAFF REPORT

Date: July 30, 2014 **File No.:** HO-OCP- 2009.1
To: Hornby Island Local Trust Committee
For Special Meeting of August 15, 2014
From: Rob Milne, Island Planner
CC: Courtney Simpson, Regional Planning Manager

Re: Hornby Island Official Community Plan Review

PROBLEM/ISSUE:

Staff received a late referral submission from the K'omoks First Nation wherein they requested that changes be made to proposed Bylaw No. 149 prior to its adoption.

BACKGROUND:

At the July 18, 2014 meeting the Hornby Island Local Trust Committee (LTC) adopted the following resolutions:

HO-2014-039,

That the Hornby Island Local Trust Committee give second reading to Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014".

HO-2014-040,

That the Hornby Island Local Trust Committee give third reading to Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014".

HO-2014-041,

That the Hornby Island Local Trust Committee submit Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014" to the Minister of Community, Sport and Cultural Development for approval.

On the same day, but subsequent to the LTC meeting, a referral response was received in the Northern Islands Trust office from the K'omoks First Nation (KFN) requesting a number of changes to proposed Bylaw No. 149 (see attachment). The response was received after the close of the public hearing; however, staff consider it necessary to present the information to the LTC. It is the view of staff that the proposed amendments, while minor in nature in terms of impact, would trigger the requirement to hold a further public hearing.

STAFF COMMENTS

In discussions with the Director of Local Planning Services staff concluded that the Minister of Community, Sport, and Cultural Development must be made aware of the submission from the KFN when the bylaw is referred to the Ministry for approval. It was also agreed that it is unlikely

that the bylaw would receive Ministerial approval without any identifiable action taken to address the KFN comments and concerns.

Staff has reviewed the five specific points raised by the KFN and is confident that the necessary changes can be made to the bylaw without impact upon the intent or implementation of Proposed Bylaw No. 149, the Official Community Plan bylaw or Proposed Bylaw No. 150, the Land Use Bylaw.

SUMMARY

A late bylaw submission has been received from the KFN with respect to proposed Bylaw No. 149. It is the view of staff that the proposed amendments, while minor in nature in terms of impact, would trigger the requirement to hold a further public hearing. It is also the opinion of staff that the absence of identifiable actions taken to consider and address the KFN concerns limits the chances of the proposed bylaw receiving Ministerial approval.

RECOMMENDATIONS

It is the recommendation of staff:

1. That third reading of Bylaw No. 149 be rescinded.
2. That Bylaw 149 be amended at second reading as follows:
 - A. Section 1.4 “Historical Perspectives” of Schedule ‘A’ be amended by the deletion of the two paragraphs at the bottom of page two and the two paragraphs at the start of page three.
 - B. That Section 2.1 “Broad Community Objectives” of Schedule ‘A’ be amended by the addition of a new community objective, “To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters.” Immediately above the last objective.
 - C. That Policy 3.7.2 of Section 3.7 “Heritage Features” of Schedule ‘A’ be amended by deleting the word, “should” and replacing it with the word, “shall”.
 - D. That Section 4.3, “Mariculture” of Schedule ‘A’ be amended by the addition of an “Information Note” below the “Background” section which reads as follows:

“Regulation of First Nation activities related to aquaculture within foreshore areas surrounding Hornby Island is beyond the jurisdiction of the Islands Trust.”
3. That amended Bylaw No. 149 proceed to a public hearing to be held on September 19, 2014.

Prepared and Submitted by:

Rob Milne

Rob Milne
Island Planner

August 6, 2014

Date

Concurred in by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Acting Regional Planning Manager

August 6, 2014

Date

Attachments:

1. K'omoks referral response