



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: September 11, 2020

Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Courtney Simpson, Contract Planner
Vicky Bockman, Recorder

Others Present: Approximately twenty (20) 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 Fast called the meeting to order at 10:00 am. She welcomed the public, introduced Trustees, staff, and recorder; and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Move items 11.1 – 11.6 to follow item 3.3.

HO-2020-060

It was **MOVED** and **SECONDED**,

that Hornby Island Local Trust Committee approve the agenda as amended.

CARRIED

2.1 Electronic Meetings Resolution

HO-2020-061

It was **MOVED** and **SECONDED**,

that in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Hornby Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and therefore in order to meet the principles of openness, transparency and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically over the period August 26 to November 16, 2020,

will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

3. REPORTS

3.1 Trustee Reports

- Trustee Allen reported that he will be attending Trust Council electronically next week.
- Trustee Scott reported that he has been receiving many calls from constituents regarding a variety of issues.

3.2 Chair's Report

Chair Fast reported on her attendance at the following:

- A Community Information Meeting (CIM) regarding Denman Housing Association's Denman Green Affordable Housing project;
- An Islands Trust Conservancy Board meeting;
- Executive Committee meetings;
- A Denman Island Local Trust Committee(LTC) meeting;

and noted that the following meetings are upcoming and will be held electronically:

- Trust Council on September 15-16, 2020;
- Gambier Island LTC; and
- Union of British Columbia Municipalities.

3.3 Electoral Area Director's Report - verbal update - none

11. CORRESPONDENCE

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

11.1 Email dated July 2, 2020 from J. Kennedy regarding Bylaw Enforcement of Short Term Vacation Rentals (STVRs)

Received.

11.2 Email dated August 20, 2020 from T. Law regarding Cycle Lanes

By general consent item 11.2 was deferred to the next Local Trust Committee meeting after Trustees determined that more discussion was warranted on this matter.

11.3 Email dated August 24, 2020 from D. Gutstein regarding R2 Zone

Received.

11.4 Email dated August 24, 2020 from J. Steen, K. Fagerlund and J. Steen regarding Lot 3 Plan 30505

Received.

11.5 Email dated August 25, 2020 from T. Law regarding Housing

Received.

11.6 Email dated August 27, 2020 from J. Ovitsland regarding Non-Compliant Housing

This topic was discussed at agenda item 10.2.

4. TOWN HALL

Members of the public commented with the following noted:

- The LTC was urged to add “Minimum Average Lot Size” to the Top Priority list to re-evaluate the contradictions in the regulations that have caused inconsistencies in treatment of subdivision applications; allowing more subdivisions of this size would create additional land ownership opportunities for community members who may not otherwise be able to afford property;
- Concern was expressed regarding water, septic and overall impacts relating to the Hornby Island Resort redevelopment project; the LTC was encouraged to conduct wider community engagement on this matter, possibly in conjunction with the Hornby Island Residents’ and Ratepayers’ Association;
- The LTC was asked to consider stronger actions to address housing needs on Hornby Island that affect women disproportionately; suggestions included declaring a housing state of emergency, moving housing density to the top of the Work Program, or implementing regulations to encourage more secondary suites;
- Support was expressed for consideration of a Standing Resolution against bylaw enforcement of non-compliant tiny homes unless there are negative impacts on the environment or health of adjacent neighbours;
- Support was expressed for a moratorium on bylaw enforcement action, without penalty, against those property owners offering non-conforming year-around rentals for working people, not to become short term vacation rentals, until all levels of government and the community are consulted and the lack of affordable housing is addressed;
- Concern was expressed regarding the Hornby Island Resort development; however it would help the community adjust to the change if four of the units were required to be designated as affordable housing.

5. DELEGATIONS - None**6. MINUTES****6.1 Local Trust Committee Minutes dated June 26, 2020 - for adoption****HO-2020-062**

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee adopt the minutes dated June 26, 2020 as presented.

CARRIED

6.2 Section 26 Resolutions-without-meeting - none**6.3 Advisory Planning Commission Minutes - none**

6.4 Local Trust Committee Public Hearing Record dated June 26, 2020 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 1, 2020

In response to a Trustee's request, an update on the January 24, 2020 activity regarding Planner Hours was provided.

By general consent agenda items 9.1 and 9.2 were moved to follow item 7.1.

By general consent the meeting was recessed at 10:57 am and reconvened at 11:07 am.

9. APPLICATIONS AND REFERRALS

9.1 HO-DVP-2019.1 (Hornby Island Resort Ltd.) - Staff Report

Planner Dubyna presented the Staff Report and outlined the variances that the LTC is being asked to consider with this Development Variance Permit (DVP) application. It was reported that the applicant has amended the application to address concerns raised relating to parking, commercial access, and to reduce the proposed height variances; a variance is also requested to permit the setback of the interior side lot line for the pub/restaurant building at 0.0 metres to correspond with the zone-specific regulation in the C3 zone. It was noted that a water plan has been received and that analysis will be included with a future staff report.

Trustees discussed the DVP application with the following noted:

- Height variances remain a concern and compliance with regulations might be achieved through a design change; green rooftops might complement flat roofs if that approach is considered to meet height regulations;
- The Archaeological Branch has issued a permit and a referral has been sent to Nanwakolas Council, however confirmation was requested that the K'ómoks First Nation has been consulted and that professional archaeologists and representative from the K'ómoks First Nation will be on site during the development work;
- Trustees indicated their desire to review the water plan and summary of the wastewater report.

Chair Fast invited the applicant to speak. Maris MacDonald, architect, and Jack Hornstein, applicant, spoke to the application:

- The height variances have been reduced while still maintaining an attractive west coast character ensuring variety;
- Concerns regarding parking and access have been addressed; and BC Ferries has been consulted to make the property safer and to consider their potential future plans;
- The pub will be accessible; building code requirements, including those for lighting, will be met;
- This application offers improvements from the 2012 application such as increased green measures, a less congested site plan, professional septic and water plans, display of local art;

- Efforts to consult with K'ómoks First Nation were explained;
- The visitor accommodations are accessory to the pub and are needed to support the ongoing operation of the pub;
- The pub is a safety risk and needs to be demolished; employment of Hornby Islanders will be affected negatively if a Development Permit (DP) is not granted.

HO-2020-063

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee deny application HO-DVP-2019.1 (Hornby Island Resort) based on height variance.

CARRIED**9.2 HO-DP-2019.5 (Hornby Island Resort Ltd.) - Staff Report - for decision**

Trustees and staff discussed process and options for consideration of this DP application as it relates to the denial of the associated DVP.

By general consent the meeting was recessed at 11:56 am and reconvened at 12:19 pm.

HO-2020-064

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer consideration of HO-DP-2019.5 (Hornby Island Resort) to allow Trustees and community more time to review information about water, sewage, and archaeology.

CARRIED**8. BC FARM INDUSTRY REVIEW BOARD (BCFIRB) PRESENTATION ON FARM PRACTICES**

Presentation by BCFIRB Staff about their independent administrative tribunal and its role in hearing complaints under the *Farm Practices Protection Act*, including those related to shellfish aquaculture.

8.1 Question and Answer Session

By general consent agenda item 8 and 8.1 were deferred to a future meeting.

9. APPLICATIONS AND REFERRALS - Continued**9.3 HO-RZ-2018.1 (Wiseman) - Staff Report**

Planner Simpson presented the Staff Report that provided an update on referrals, including the outcome of the site visit observations received from the Islands Trust Freshwater Specialist. Based on this information, the recommendation is that proposed Bylaw Nos. 164 and 165, which were given first reading on June 26, 2020, are not at variance with the Islands Trust Policy Statement.

HO-2020-065

It was MOVED and SECONDED,

that:

1. Hornby Island Local Trust Committee Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020”, be read a second time;
2. Hornby Island Local Trust Committee Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020”, be read a second time;
3. Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020” and Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020”; and
4. Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020” and Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020” are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Chair Fast invited the applicant to speak. David Wiseman expressed his appreciation for all who have helped to advance these bylaw amendments to allow for a two-lot subdivision. Staff clarified the next steps that need to occur prior to the final adoption of the proposed Bylaws.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 R3A Zoning Amendment - Staff Report - for decision

Regional Planning Manager Kauer summarized the Staff Report that addresses a proposed amendment to rezone the property at 5040 Central Road from Residential 3 – Community Housing (R3) Zone (Elder Housing) to Residential 3A – Community Housing (R3A) Zone (ISLA).

She reported on the following:

- Referral responses received to date;
- A comment has been received inquiring regarding water associated with the property; staff advised that this application is consistent with the Official Community Plan and that a water plan would be provided by the applicant at the time of a Development Permit application;
- Notification to waive the Public Hearing for this amendment was mailed out and no comments were received in response to that notification.

HO-2020-066

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 163 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020”, be read a third time.

CARRIED

HO-2020-067

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 163 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

10.2 Top Priorities Staff Report (deferred from June 26, 2020) - for decision

Planning Manager Kauer presented the Staff Report that provides options for additions to Top Priorities for LTC consideration. She provided an update to the report, noting that the Islands Trust Freshwater Specialist has requested that current priority number 2, Watershed Protection and Groundwater Preservation, remain on the list.

Trustees discussed possible projects to add to the Top Priority list with the following considered:

- Retaining current priority number 1 until its completion;
- Limiting enforcement of bylaws for non-compliant housing;
- Resolution of inconsistencies in regulations regarding Minimum Average Lot Area;
- Addressing inaccuracies in Riparian Areas Regulation reports;
- Hornby Island vulnerable aquifer designation.

HO-2020-068

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.

CARRIED

HO-2020-069

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once “Consideration of a rezone of 5040 Central Road to R3A” is complete.

CARRIED

HO-2020-070

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to bring a staff report to the next Local Trust Committee meeting that outlines the possibilities for options for allowing permanent, year-around housing.

CARRIED

12. NEW BUSINESS**12.1 Hornby Island Groundwater Sustainability Strategy - verbal update**

By general consent agenda item 12.1 was deferred to a future meeting.

13. REPORTS**13.1 Trust Conservancy Report dated July 14, 2020**

Received.

13.2 Applications Report dated September 1, 2020

Trustees reported that the Canadian Heritage Grant for the proposed new Arts Centre on Sollans Road might be in jeopardy if DP application HO-DP-2017.1 (Hornby Island Arts Centre) is not advanced as soon as possible.

Chair Fast invited Andrew Mark, Executive Director, Hornby Island Arts Council, to speak to the application with the following noted:

- The Canadian Heritage grant funding is committed on an annual basis; there are no extensions for the funds committed which must be spent by April 1st; delaying this application for two months is problematic;
- This project has been 20 years in the making; community consultation has occurred in the past;
- There is ample water and septic capability for the proposed new Arts Centre.

Regional Planning Manager Kauer responded that Trustees do not have adequate information necessary to inform a decision at this LTC meeting; and that the current timeframe for a review of this application would suggest consideration by the LTC in November. She proposed that a decision by Resolution Without Meeting might be a possible option to pursue.

HO-2020-071

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to make every effort to conduct a Resolution Without Meeting as soon as possible to consider application HO-DP-2017.1 (Hornby Island Arts Centre).

CARRIED**13.3 Trustee and Local Expense Report dated July, 2020**

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

There were no changes or additions requested.

14. WORK PROGRAM**14.1 Top Priorities Report dated September 1, 2020**

The Top Priorities Report was addressed at agenda item 10.2.

14.2 Projects List Report dated September 1, 2020

Received.

15. CLOSED MEETING - None**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for Friday, November 6, 2020 at 10:00 am at -
Location to be determined**

LTC members confirmed the next regular meeting scheduled date, time and location.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:13 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder