



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: November 6, 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
Bronwyn Sawyer, Planner 2
Ian Cox, Planner 1
Courtney Simpson, Contract Planner
William Shulba, Islands Trust Senior Freshwater Specialist
Vicky Bockman, Recorder

Others Present: Approximately eighteen (18) 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 10:04 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Move item 17 to follow 15.2
- Move item 16 to follow 17
- Add 13.2 Tree Cutting
- Add 13.3 Ferry Terminal Signage

By general consent the agenda was adopted as amended.

2.1 Electronic Meetings Resolution

HO-2020-072

It was MOVED and SECONDED,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at Trust body meetings; and that such meetings 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 Scott reported on his actions to follow-up on archaeological and First Nations referral questions relating to the Hornby Island Resort redevelopment project.

Trustee Allen reported that he attended the Comox Valley Regional District (CVRD) liaison meeting as well as other electronic meetings; and observed that there are many visitors still on Hornby Island at this time.

3.2 Chair's Report

Chair Fast reported on her attendance at the following:

- Trust Council; the next electronic Trust Council meeting on December 1 will schedule Delegations and Town Hall in evenings to make these sessions more accessible to the public;
- Union of BC Municipalities Convention;
- Islands Trust Conservancy meeting;
- Financial Planning Committee meeting;
- Bowen Island Municipal Council meetings;
- Denman Island and Gambier Island Local Trust Committee (LTC) meetings;
- CVRD Liaison meeting.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- The LTC was urged to resolve the contradictions in the minimum average lot area regulations that have caused inconsistencies in treatment of subdivision applications and is impacting the ability of some residents to move forward with plans;
- Objection was made that community consultation for the Thatch redevelopment project last occurred in 2011 and not again with this Development Permit (DP) application; there should be a mechanism to engage the community again on large developments after such a long time to allow discussion of factors that may have changed;
- The LTC was encouraged to recognize the relationship with First Nations with an addition to the Official Community Plan (OCP) that might be accomplished in a timely manner.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated September 11, 2020 - for adoption

HO-2020-073

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the minutes dated September 11, 2020 as presented.

CARRIED

6.2 Section 26 Resolutions-without-meeting - none

6.3 Advisory Planning Commission Minutes dated October 2, 2020 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated October 28, 2020

Received.

7.2 Proactive Enforcement of Year-Around Unlawful Housing-Memorandum-for information

Regional Planning Manager Kauer presented the Memorandum that responds to the LTC's request for information regarding not enforcing on year-around, occupied unlawful dwellings.

In response to discussion, staff comments included the following:

- Legal advice has been received that advises against adopting resolutions that prohibit staff from enforcing existing bylaws altogether; however a Standing Resolution may be adopted that constrains the conditions under which Bylaw Enforcement staff pursue enforcement;
- The LTC may consider adding a bylaw amendment to the Projects list if a particular aspect of a bylaw is not to be enforced at all;
- The LTC does not currently have a Top Priority housing project that would justify deferment of enforcement until the project is completed;
- Non-compliant property owners may apply for rezoning to resolve issues and have been informed that they might apply jointly to reduce cost.

Trustees recognized that this is an issue that is of concern to many residents and proposed taking action to address this need at this time.

HO-2020-074

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following Standing Resolution:

That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

CARRIED

8. APPLICATIONS, REFERRALS AND BYLAWS

8.1 Bylaw No. 163

Trustees observed that this agenda item proposes the adoption of a Land Use Bylaw (LUB) 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).

HO-2020-075

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 adopted.

CARRIED

By general consent the meeting recessed at 11:11 am and reconvened at 11:16 am.

8.2 Hydrology Report needed for DPA 2 - Memorandum - for information

Regional Planning Manager Kauer presented the Memorandum that provides some background on Guideline (4) of Development Permit Area (DPA) 2 and its applicability to three development permit applications to be considered by the LTC, with the following points noted:

- The Community Service Use DPA 2 is located within a groundwater recharge area which is upslope from residential neighbourhoods, and developments in the DPA area could have a potential impact on the water resources;
- Staff consider that the new school, medical clinic addition, and art centre developments will create significant alterations of the ground, surface drainage or use of groundwater; and interpret DPA 2 Guideline (4) to mean that a hydrology study is to be required in order to assess how the groundwater is affected by the developments;
- If the LTC decides to not require a hydrology study on one or more of the proposed developments, the LTC was requested to provide rationale for why they believe the proposals are not significant alterations of land to guide staff's interpretation of this guideline with respect to future development proposals.

Trustees commented on the Memorandum with the following noted:

- Water usage for these developments is expected to be less than in the past and parking will have little impact;
- Concern was expressed that the timing and requirement of hydrology reports will delay the projects.

8.3 HO-DVP-2020.2 (Hornby School) - Staff Report - for decision

Regional Planning Manager Kauer reported that the applicant has provided a new site plan including changes to the siting of the power shed that is close to a water course. She advised that the amended site plan does not reflect the variances indicated in the notification that was sent out, and recommended a new notification process be initiated to inform citizens and provide them an opportunity to comment.

Chair Fast invited the agent for the applicant, Brad Shuya, to comment and the following was noted:

- The change in the siting of the power shed was caused by BC Hydro's alternate plan of bringing in the power from a source close to the road;

- When asked, he noted that if the renotification process is required, it will not delay the construction or timing of the ability of children to attend the school as anticipated.

HO-2020-076

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer consideration of application HO-DVP-2020.2 until the next regularly scheduled Local Trust Committee meeting; and

that the Hornby Island Local Trust Committee direct staff to amend draft Development Variance Permit HO-DVP-2020.2 to reflect the new location of the proposed power shed, and circulate notifications to neighbouring property owners and residents.

CARRIED**8.4 HO-DP-2020.1 (Hornby School) - Staff Report - for decision**

This item was deferred due to the decision to re-notify HO-DVP-2020.2.

8.5 HO-DP-2020.2 (Hornby Island Residents & Ratepayers Association) - Staff Report - for decision

Planner Cox summarized the Staff Report for the construction of a two storey emergency room addition to the Hornby Island Clinic within DPA 2. He noted that staff consider the development to be significant as it relates to the DPA 2 Guidelines (in particular 4) requiring that a hydrology report be submitted.

Trustees acknowledged that the subject of the requirement of a hydrology report had been discussed in general at agenda item 8.2.

HO-2020-077

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee finds the application HO-DP-2020.2 to be consistent with Development Permit Area 2 Guidelines and approves issuance of the permit as drafted.

Discussion on the motion followed:

- Staff cautioned that this resolution will set a precedent and give staff guidance on what is considered significant as it relates to DPA 2 Guidelines (4);
- A Trustee commented that Trustees bring local knowledge to the decision making process;
- Trustees requested guidance on what value a hydrology report would provide compared to what the Province already requires: Islands Trust Senior Freshwater Specialist Shulba advised that the Province requires a groundwater license for a non-domestic development well which may or may not include a technical assessment, and would not consider impervious or gravel pervious surfaces, or the effects of the build-out of the lot. A DPA-required hydrology report would inform consideration of how development will impact the environment, the groundwater resource of the area, and shallow wells downstream.

The question on the motion was then called.

CARRIED**Chair Fast Opposed**

By general consent the meeting was recessed at 12:35 pm and reconvened at 12:55 pm.

8.6 HO-DP-2017.2 (Hornby Arts Centre) - Staff Report - for decision

Planner Dubyna summarized the Staff Report for the construction of a new Arts Centre building within DPA 2. She noted that staff consider the development to be significant as it relates to the DPA 2 Guideline (4) and requiring that a hydrology report be submitted.

Trustees acknowledged that the subject of the requirement of a hydrology report had been discussed in general at agenda items 8.2 and 8.5.

Chair Fast invited the applicants to speak with the following noted:

- Andrew Mark, Executive Director of the Hornby Island Arts Council (HIAC), advised that this DP represents the final step in delivery of a community art centre and explained the funding timelines and concerns. He noted that the project has widespread community support, consultations have occurred, it represents a venue to strengthen relations with First Nations, and he cautioned that more delays will place the project in jeopardy.
- Tor Nawrot, project manager, spoke to the ground alteration aspect of the project, noting that the land that used to house the Teen trailer, Hope Kitchen trailer and HIAC trailer is now bare, and most of that land will be reforested and revegetated; the building has been sited to cause as little impact as possible; the use of water will not change the aquifer or use of well water, the overflow from the water collection system will flow into natural vegetation and the aquifer; and as many of the fir trees on the site are being preserved as possible.

HO-2020-078

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DP-2017.2 as drafted.

Discussion on the motion followed:

- Staff cautioned that this resolution will result in staff concluding that going forward, a development in DPA 2 that is 13,000 square feet or less will not be considered significant for the purpose of requiring a hydrology report;
- Chair Fast remarked that the issue of significance as it relates to DPA 2 Guideline (4) is not about the community value of the project, which is understood; the issue is relevant to the precedent this resolution sets and not knowing if the development will impact wetlands, trees, or shallow wells downslope, while a hydrology report would ensure no harm would be done.

CARRIED

Chair Fast Opposed

By general consent agenda item 8.7 was moved to follow 10.2.

9. COMMUNITY INFORMATION MEETING

Rezoning - HO-RZ-2018.1 - Bylaw Nos. 164 and 165 - Planner Presentation

Planner Simpson explained that this Community Information Meeting (CIM) is being held for the public to learn about and to ask questions about the amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow a two-lot subdivision for the property at 5020

Fowler Road. She reported that submissions have been received and the Public Hearing that follows will be the final opportunity to provide input on these bylaws.

The floor was opened for questions with the following questions and answers:

- Will this rezoning allow the applicant or new owners to apply to subdivide into more than two lots?
 - No, it allows the property to be subdivided into two lots and no more.
- Will this set a precedent for subdivision consideration in any zone?
 - No rezoning would formally create a precedent because the LTC makes decisions based on the merits in front of them for consideration.
- Can you provide information on the submissions received from the public?
 - There have been 19 written submissions received that include a variety of opinion with both perspectives. A Trustee observed that all the submissions received opposing the rezoning were from neighbours.

Chair Fast asked if there were further questions from the public, and hearing none, the CIM was concluded.

10. PUBLIC HEARING - Bylaw Nos. 164 and 165 1:30 PM

10.1 Recess for Public Hearing

By general consent the meeting was recessed for a Public Hearing at 1:33 pm.

10.2 Recall to Order

By general consent the meeting reconvened at 1:57 pm.

8.7 HO-DP-2019.5 (Hornby Island Resort) - Staff Report - for decision

Planner Dubyna outlined the Staff Report that asks the LTC to consider the DP application to authorize the demolition of existing buildings and the construction of new buildings including a pub/restaurant, accessory residential dwelling unit, and fifteen visitor accommodation units, located within the Commercial Centres DPA.

She provided updates including the following:

- Since the LTC's consideration of the DP at the September 11, 2020 LTC meeting the proposed development height and setback variances have been revised to meet regulations;
- In response to the LTC requests, the applicant has provided a copy of the Existing Use Groundwater License application, a water management plan, and a copy of the Alteration Permit granted by the BC Archaeology Branch;
- With the revisions that now bring the plan into compliance and the receipt of the requested additional information, staff consider the application to be consistent with the Commercial Centres DPA guidelines.

Trustees considered the proposed DP with the following noted:

- Process regarding any possible archaeological finds was considered;
- The water emergency plan and the provincial jurisdiction of monitoring of the well were clarified.

Chair Fast invited the applicant to speak and Jack Hornstein's comments included the following points:

- First Nations and K'ómoks First Nation have been consulted, and the regulations concerning archaeological finds will be respected with appropriate actions taken if necessary;
- The approval of this DP will enable the project's opening by next summer and will bring employment opportunities to Hornby Islanders;
- The loading bay for the restaurant was described in response to a Trustee's question.

HO-2020-079

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DP-2019.5 (Hornby Island Resort).

In speaking to the motion, Trustees acknowledged that the applicant has complied with all necessary guidelines and regulations for development within the Commercial Centres DPA that were created prior to their terms as Trustees.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS - none

12. CORRESPONDENCE - none

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

By general consent the meeting recessed at 2:24 pm and reconvened at 2:30 pm.

13. NEW BUSINESS

13.1 2021 Local Trust Committee Meeting Schedule - Memorandum for decision

Regional Planning Manager Kauer presented the recommended 2021 LTC meeting dates for consideration. Trustees proposed that the summer meeting be held electronically.

HO-2020-080

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: January 29, March 26, May 21, July 16 (electronically), October 8, and December 10.

CARRIED

13.2 Tree Cutting – for discussion

Trustee Allen requested information on possible options to regulate tree cutting on Hornby Island.

Discussion with staff indicated that a DPA is currently the only tool that could be used to identify sensitive ecosystems that need protection and could regulate tree cutting; and that community education might be considered as an option.

13.3 Ferry Terminal Signage – for discussion

Trustee Allen commented that replacement of the signage at the ferry terminal is needed.

Trustees discussed the matter with the following noted:

- Chair Fast advised that Trust Area Services is currently working on an Islands Trust-wide signage project; and that she will bring the topic to the Executive Committee's attention;
- This topic may be included for discussion at an upcoming First Nations meeting.

14. REPORTS**14.1 Trust Conservancy Report dated October 6, 2020**

Chair Fast presented highlights from the report. She advised that in association with the Islands Trust Conservancy 2020 Forest Outreach Campaign, a map of Hornby Island's high quality forests and a brochure on The Natural Area Protection Tax Exemption Program (NAPTEP) were sent to relevant landowners to encourage conservation. Trustees asked that this information be added to the Hornby Island webpage "Resources" section.

14.2 Applications Report dated October 28, 2020

Received.

14.3 Trustee and Local Expense Report dated August, 2020

Chair Fast noted that LTC Meeting Expenses have been low and Trustees might consider bringing forward attendance at webinars or conferences for consideration if there is interest.

14.4 Adopted Policies and Standing Resolutions**HO-2020-081**

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.

CARRIED

14.5 Local Trust Committee Webpage

During discussion the LTC requested that the new Hornby Island mapping associated with the Islands Trust Conservancy 2020 Forest Outreach Campaign be placed on the Hornby Island "Resources" page.

15. WORK PROGRAM**15.1 Top Priorities Report dated October 28, 2020**

Trustees proposed adding "Official Community Plan Review" to the Top Priorities to support the prioritization of this project.

HO-2020-082

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add the item "Official Community Plan Review" to the Top Priorities Report as priority No. 1.

CARRIED

15.2 Projects List Report dated October 28, 2020

Received.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled in (2021)

Trustees confirmed the next regular LTC meeting date of January 29, 2021 with the time and location to be determined.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2020-083

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 Appointment of Advisory Planning Commission members and adoption of In-Camera Meeting minutes dated January 24, 2020 and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order - none

16.3 Rise and Report - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:08 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder