



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 164 AND 165

Date: January 29, 2021
Time: 10:25 am
Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Courtney Simpson, Planner
Wil Cottingham, Administrative Assistant
Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 10:46 am. She welcomed the public, introduced Trustees, staff and recorder.

She read the Chairperson's Opening Statement and explained that this Public Hearing was being conducted to hear views regarding proposed Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and proposed Bylaw No.165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".

She reported that this is the second Public Hearing to be held on these proposed amendments due to a notification error. She explained the process for accessing documents relating to these amendments that are available for viewing during this Hearing; and advised that submissions received during this Hearing will be reviewed by Trustees before the close of this Hearing.

2. PROPOSED BYLAW NOS. 164 and 165

Planner Simpson reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of the Little Tribune and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 164, if adopted, is to amend the Hornby Island Official Community Plan (OCP) to change the land use designation from Rural Residential to Small Lot Residential and the purpose of proposed Bylaw No. 165, if adopted, is to amend the Hornby Island Land Use Bylaw (LUB) to change zoning from Residential 2 to Residential 1 – R1(c), a site-specific zone that will apply only to the property at 5020 Fowler Road with a minimum lot size created by subdivision of 1.9 hectares.

She identified the referrals that were sent out for comment, noting that the only response received was from the Islands Trust Senior Freshwater Specialist that included a report on a site visit to the property. As of this meeting time there have been 15 submissions received during the advertising period for this Public Hearing regarding these Bylaws. Previous submissions are also available to be read in the Public Hearing binder.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- David Henderson opposed the subdivision. When he purchased his property that is adjacent to the subject land, he wanted a rural character and was surrounded by large lot rural residential properties. He described the applicant's prior subdivision of the land that was cleared and developed and that this proposal would significantly impact his property by adding a fourth bordering property. He questioned the validity of the statement of surveyor error and objected to this proposal when the previous subdivision included a covenant that no additional lots were to be created and no further subdivision allowed.
- Joan Harris supported the proposed Bylaws. As a former co-owner of the subject property, she clarified that the eight hectare piece was always two lots and she provided historical background for the lot sizes. She commented that this subdivision maintains density as allowed in the OCP.
- Goya Ngan is an adjacent land owner and opposes the proposed subdivision as a change in the property from Rural Residential to Small Lot Residential would change the character of the neighbourhood and set a precedent. She cited the covenant from 2008 that states that the new parcel and remainder parcel shall not be further divided.
- Alan Fletcher, a neighbour, is opposed. He objected to the process that allows consideration of this proposal given that the covenant does not allow further subdivision on this property; and considers this proposal to be against the Islands Trust mandate to preserve and protect.
- Robert Taylor, a neighbour, expressed his opposition to this proposal. He advised that the Section 219 covenant with the 2008 subdivision is still on title and is clear that the property is not to be further developed. He questioned the assertion that the surveyor made an error in this case and stated that assumption needs to be set aside. He supported the denial of this application in 2016, believes this proposal would set a precedent, harms the LUB and contradicts the OCP which states that no new small lots will be created.
- Barbara Woodley, a neighbour, opposes further subdivision of this property. She commented that she believes that this proposal has continued to be considered out of compassion for a possible surveyor error; however, this land has reached its maximum subdivision potential and the bylaws are clear.
- Susanna Morse, a neighbour, agreed with other speakers in opposing this proposal. She cited as reasons: the previous subdivision of the property that was then clear-cut, retention of large parcels is considered a primary objective, providing exception would create a

precedent, this would increase density which is contrary to OCP objectives, and it does not offer a community benefit.

- Eleanora Laffin, a neighbour, is opposed. She observed that this decision should be about what is right for the land and could set a negative precedent if adopted.
- Christina Laffin – a neighbour, opposed the proposed Bylaw amendments for subdivision, citing agreement with other comments in opposition based on irrelevance of claimed surveyor error, no public benefit, existing covenant, setting of a precedent. She remarked that subdividing of land for private profit is not a solution to affordable housing on Hornby Island, and she recognized the OCP’s objective to preserve large lots.

Chair Fast announced that two written submissions had been received during this Public Hearing. Trustees read them prior to the close of the Public Hearing.

4. **ADJOURNMENT**

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 11:32 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder