



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: January 29, 2021
Location: Electronic Meeting

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

"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 10:03 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

By general consent the agenda was approved as presented.

2.1 Resolution to Continue to Hold Electronic Meetings

HO-2021-001

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. RISE AND REPORT - IN CAMERA MEETING OF NOVEMBER 6, 2020

Chair Fast reported that in the In Camera meeting of November 6, 2020 the Local Trust Committee (LTC) adopted the In Camera minutes of January 24, 2020 and made an appointment to the Advisory Planning Commission (APC).

4. COMMUNITY INFORMATION MEETING

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

Planner Simpson explained that this is the second Community Information Meeting (CIM) being held for this application due to a notification error in the previous Public Hearing. She advised that the purpose of this CIM is 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 following key points were noted:

- The property is 3.98 hectares; The minimum average lot area required for subdivision is four hectares; request is being made to allow two lots to be created for the current 3.9 hectares;
- The OCP would change the land use designation from Rural Residential to Small Lot Residential and the LUB zoning from Residential 2 to Residential 1 – R1(c) with associated text amendments and map changes;
- The Islands Trust Senior Freshwater Specialist conducted a site visit; the LTC reviewed the outcome and observations of the site visit at the September 11, 2020 LTC meeting;
- Bylaw referrals were identified with one response received from the Islands Trust Senior Freshwater Specialist;
- The Islands Trust website includes all relevant information on the application, timeline, proposed map amendments; and next steps were identified.

The floor was opened for questions with the following comments noted:

- Joan Harris – How many hectares are in ten acres? Why would this not be subdividable into five-acre lots?
 - The minimum lot size in this zone is four hectares so lots cannot be created that are less than four hectares.
- David Henderson - Does the Islands Trust have any evidence of an error in the surveying document?
 - The Islands Trust does not have any information to support the claim that a survey error was made.
- Christina Laffin – Have all Trustees received and fully read the full agenda with Staff Report and all the correspondence relating to this rezoning? What options are available for those members of the public who are having technical difficulties and are not able to join this Zoom webinar?
 - All Trustees confirmed that they have received and reviewed all information for this application. Phoning in is an option for those who are not able to connect electronically; and phone numbers and the webinar ID were provided.
- Karen Ross – Have there been any discussions of possible options to create additional housing on this lot which might help with the housing shortage crises on Hornby Island?

- The larger issue of addressing the housing shortage has not been discussed in this situation as it is a property owner-initiated request for a rezoning and the Islands Trust is reviewing what has been requested.
- Kihan Yoon-Henderson – If this subdivision proceeds, will further subdivision be possible on this property?
 - The rezoning amendments have been written to ensure that there would be no further subdivision allowed; however, a future rezoning application could request subdivision and that application would receive the same process and public consultation as this one has.

By general consent the meeting was adjourned at 10:35 am and reconvened at 10:37 am.

- Ryan May – How does further development of large tracts of land on Hornby Island and increasing density reinforce the OCP, provide benefit, or address issues facing the island in the long term?
 - There have been no community benefits identified.

Chair Fast invited the applicant to speak.

- David Wiseman expressed his appreciation for this meeting and the Staff Report provided in today's agenda. He confirmed his desire to proceed with this rezoning process.

5. PUBLIC HEARING - Bylaw Nos. 164 and 165

5.1 Recess for Public Hearing

By general consent the meeting was recessed for the Public Hearing at 10:46 am.

5.2 Recall to Order

By general consent the meeting reconvened at 11:33 am.

6. APPLICATIONS, REFERRALS AND BYLAWS

6.1 HO-RZ-2018.1 (Wiseman) - Bylaw Nos. 164 and 165 - Staff Report

Planner Simpson provided a brief introduction to the Staff Report addressing the bylaw amendments to facilitate a two-lot subdivision at 5020 Fowler Road that was the subject of the CIM and Public Hearing held earlier in this LTC meeting.

Trustees commented with the following noted:

- The public's verbal and written comments received during the LTC's consideration of this proposal were appreciated and helpful;
- They had previously been unaware of information brought forward, in particular, that after the previous subdivision the property was not to be additionally subdivided in the future.

By general consent the meeting was recessed at 11:41 am and reconvened at 11:45 am.

HO-2021-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020”.

CARRIED

HO-2021-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020”.

A Trustee inquired of the possibility of refunding costs incurred by the applicant with this decision to proceed no further. A Planner will consult the Fees Bylaw and report back to Trustees and the applicant.

A Trustee observed that the public consultation process including the input from the neighbours for this proposal had been very important and helped to inform his decision in a democratic manner.

CARRIED

Chair Fast invited the applicant, David Wiseman, to speak and the following was noted:

- The background and historical context were explained and he stated his belief that his actions have been consistent overall with the OCP in terms of density;
- Subdivision had not been sought previously when other lots were being successful in their applications, and this subdivision denial might affect his ability to remain on the Island;
- He had considered this proposal to be an opportunity for another wanting to live in this area, and that it would not have been a large subdivision;
- He expressed his disappointment with the results however acknowledged his respect for the process.

7. REPORTS

7.1 Trustee Reports

Trustee Scott reported on the following:

- Attended K'ómoks First Nation Community to Community meeting. He acknowledged the need for changes to the OCP and LUB to include First Nation references as well as changes to the notification process for those land use applications that might be of interest to K'ómoks First Nation.

Trustee Allen reported on the following:

- He announced that public input is being sought for the Trust Council report on amending the Islands Trust Policy Statement; deadline for input is February 5th and details can be found on the Islands Trust website;
- Islands Trust is seeking input on its proposed 2021/2022 budget and the public is invited to complete an online survey until February 7th;
- He attended Trust Council in December that included a discussion of defining unique amenities;

- He wrote a letter to K'ómoks First Nation Chief Nicole Rempel, who was re-elected to serve another two year term on K'ómoks Council, to express his hope that there might be more engagement with them in the next two years.

7.2 Chair's Report

Chair Fast reported that she attended the following meetings:

- Trust Council;
- Executive Committee;
- Financial Planning Committee;
- Islands Trust Conservancy;
- Denman Island LTC;
- Bowen Island Municipal Council meetings.

She noted that items included in today's agenda for the public's information include Trust Council Decision Highlights, and Islands Trust letters regarding development of BC Coastal Strategy and Law, and a request to enhance jurisdiction over tree cutting.

7.3 Electoral Area Director's Report - none

8. TOWN HALL

Members of the public commented with the following noted:

- A member of the public urged the LTC to correct the inconsistencies regarding Minimum Average Lot Areas; and supported alternative number 2 in the Staff Report included in today's agenda: "Minimize project timeline by only eliminating subsection 8.2(9) from the LUB", which he considers to be the most problematic issue.
- A member of the public pointed out that in agenda item 15.5 heading, the word "Cowichan" should be corrected to "Comox". She thanked Islands Trust for letters of support necessary for creation of infrastructure for the Connected Coast project.

9. DELEGATIONS

9.1. Katherine Ronan for Hornby Island Community Economic Enhancement Corporation (HICCEC) regarding Affordable Housing

Katherine Ronan reported that HICCEC's Economic Action Plan community survey identified the chief priority for Islanders to be for more affordable, stable, year-around rental housing. She asked the LTC to work with them to help accomplish that, to investigate what methods have been successful in increasing rental accommodation in other jurisdictions, and to work with HICCEC to find solutions that might include an increase in density through allowing secondary structures that are used for year-round rental on some lots, use of suites (noting that there has been no uptake of Temporary Use Permits for this purpose) or laneway housing. She asked that Planners be requested to work on this issue and offered her assistance.

Discussion of the proposal followed:

- Trustees agreed that lack of rental housing is a major concern on Hornby Island;
- Regional Planning Manager Kauer advised that her preliminary review of this issue in the OCP and LUB has identified elements that are a barrier to affordable housing;

- Concern was expressed that including this issue within an OCP/LUB review encompassing other subjects needing action would be a multi-year project;
- This issue could be explored with the LTC and referred to the APC for their input if it were to be recognized as a LTC project;
- Further discussion of the Work Program agenda item was suggested.

10. MINUTES

10.1 Local Trust Committee Minutes dated November 6, 2020 - for adoption

HO-2021-004

It was MOVED and SECONDED,

that the Local Trust Committee meeting minutes of November 6, 2020 were adopted.

CARRIED

10.2 Local Trust Committee Public Hearing Record dated November 6, 2020 - for receipt

HO-2021-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee receive the Public Hearing Record dated November 6, 2020.

CARRIED

10.3 Section 26 Resolutions-without-Meeting Report dated January 18, 2021

Received.

10.4 Advisory Planning Commission Minutes dated November 4, 2020 - for receipt

The APC draft minutes of November 4, 2020 were received.

Wendy Burton, APC Chair, estimated they will require one more meeting to complete their review of existing bylaws and penalties with recommendations to the LTC.

10.5 Advisory Planning Commission Draft Minutes of January 7, 2021

Received.

11. BUSINESS ARISING FROM MINUTES

11.1 Follow-up Action List Report dated January 18, 2021

Received.

11.2 Advertising Local Trust Committee Meetings – Memorandum

Trustees discussed advertising of LTC meetings with the following noted:

- Using social media is not an option for Trustees and the Islands Trust Facebook page is not currently operational for individual Islands;
- The public can be encouraged to sign up for the Islands Trust subscription service and would be notified of Public Hearings, meetings, and agendas through that venue;

- Informing the public of the subscription service through advertising was recommended; and it was requested that this information be added to the bottom of the ads.

HO-2021-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to advertise Local Trust Committee meetings in the Hornby Weekly Tribune and The First Edition starting with their March 2021 meeting to include information on Planner Office Hours when Office Hours can be resumed.

CARRIED**12. APPLICATIONS, REFERRALS AND BYLAWS****12.1 HO-DVP-2020.2 (Hornby School) - Staff Report - for decision**

Regional Planning Manager Kauer reported that a new site plan has been submitted by the applicant indicating a different location of the generator and therefore requiring changes to the Development Variance Permit (DVP).

Chair Fast invited the agent for the applicant, Brad Shuya, to speak. He expressed his support for the proposed DVP, noting that it reflects everything accurately.

HO-2021-007

It was MOVED and SECONDED,

that 2 d) first bullet of draft Development Variance Permit HO-DVP-2020.2 be amended to read "A generator 2.0 metres from an interior side lot line."

CARRIED**HO-2021-008**

It was MOVED and SECONDED,

that the site plan labelled "A-5, Tank Farm Plan Equipment Heights" dated January 28, 2021 replace draft SCHEDULE "E" Tank Farm Plan of HO-DVP-2020.2.

CARRIED**HO-2021-009**

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2020.2.

CARRIED**12.2 HO-DP-2020.1 (Hornby School) - Staff Report - for decision**

Regional Planning Manager Kauer reported that the Staff Report contains an error in stating that the development is over 20,000 square metres. She advised that it is not considered "significant" for purpose of Development Permit Area 2, and that staff are not recommending a hydrology report.

HO-2021-010

It was MOVED and SECONDED,

that the site plan labelled "A-5, Tank Farm Plan Equipment Heights" dated January 28, 2021 replace draft Schedule "E" Tank Farm Plan of HO-DP-2020.1.

CARRIED

HO-2021-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2020.1

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Minimum Average Lot Area Amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) - Staff Report

Regional Planning Manager Kauer presented the Staff Report addressing potential Minimum Average Lot Area (MALA) amendments to the OCP and LUB, advising that the contradictory language in the LUB and inconsistency between the OCP and LUB are problematic. She provided options for advancing this Top Priority project for LTC consideration.

Trustees acknowledged their preference to have these bylaws align and be consistent. They noted that the timeline required for amendments to the OCP is longer than that for LUB amendments and explored a strategy that would allow for work to proceed on both in separate processes.

By general consent the meeting recessed at 1:00 pm and reconvened at 1:11 pm.

HO-2021-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Minimum Average Lot Area draft Project Charter v 1.0 to reflect two processes: one Official Community Plan Bylaw amendment process and one Land Use Bylaw amendment process.

CARRIED

HO-2021-013

It was MOVED and SECONDED,

that the Bylaws referenced in the Minimum Average Lot Area Project Charter v 1.0 are processed simultaneously but not dependent on each other.

CARRIED

HO-2021-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the Minimum Average Lot Area Amendments Project Charter v 1.0, as amended.

CARRIED

HO-2021-015**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Official Community Plan that will eliminate references to measurements for minimum lot size and Minimum Average Lot Area in land use designations.

CARRIED**HO-2021-016****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Land Use Bylaw that will:

- a. Make references to Minimum Average Lot Area internally consistent within the provisions of Residential 2 – large lot (R2) zoning;
- b. Require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 – Large Lot (R2) zoning; and
- c. Allow for lots that are less than one hectare in size in Residential 2 – Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with Policy 6.3.3.1 of the Hornby Island Official Community Plan.

CARRIED**14. CORRESPONDENCE**

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

14.1 Letter dated January 14, 2021 from J.Steen, K.Fagerlund, M.Burrows and D.Gutstein regarding Inconsistencies in the Land Use Bylaw

Received.

15. NEW BUSINESS**15.1 Bylaw Enforcement Update**

Trustees received the Bylaw Enforcement Update; and the process for obtaining further details on this information was provided.

15.2 K'ómoks Community to Community Meetings and Planning Process - for discussion

Regional Planning Manager Kauer reported that K'ómoks First Nation has postponed introduction of their permitting process and advised that this topic will be reviewed on a future agenda.

15.3 Permits and First Nations Impacts - for discussion

Trustee Scott suggested consideration of a change in procedure to directly inform K'ómoks First Nation of land use applications that might be of interest to them.

Trustee discussion included the following:

- Currently, legislative requirements for consultation apply only to rezoning applications;
- Staff routinely perform a preliminary archeological review to investigate whether development applications are located in known archaeological sites and processing guidelines are followed;
- Differentiation between consultation and providing information would be a factor to consider with respect to initiating a change in procedure;
- What types of applications and locations, and K'ómoks First Nation's preferences were identified as issues to investigate.

HO-2021-017**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to consult with K'ómoks First Nation and the Islands Trust Senior Intergovernmental Advisor about how best to inform K'ómoks First Nation about how applications may impact K'ómoks First Nation rights and title.

CARRIED**15.4 Connected Coast - for discussion**

Trustees noted that Connected Coast is a project that is working to bring high-speed fibre optic internet infrastructure to Hornby Island.

Trustees debated process relating to this project with the following noted:

- A Trustee supported consultation with the community on this initiative prior to moving forward as there may be health concerns; and suggested that more information is needed about costs and how this service is to be delivered, and how rapidly changing technology might affect the need for this project;
- A Trustee supported providing a letter of support without delay.

Discussion continued at agenda item 15.5.

15.5 Letter of Approval to Comox Valley Regional District (CVRD) on Fibre Optic Internet Connection to Hornby Island - for discussion

Trustee Allen expressed the need for more information prior to providing a letter of support, and offered to contact HICEEC to discuss further. A Trustee argued against delay and in response Trustees proposed that a Resolution Without Meeting might be initiated to advance this initiative once questions have been answered.

15.6 Process for Review of Hornby Island Official Community Plan and Land Use Bylaws - for discussion

Trustee Grant commented that there are many issues causing community concern that involve OCP and LUB amendments and asked for discussion of ways to advance an entire review of the bylaws.

Discussion included the following comments:

- Many of the updates needed are issues shared by all LTCs; the Regional Planning Team may establish a framework across the Trust area to increase efficiency of OCP and LUB reviews which can take years to complete;
- This topic will be coming to Trust Council soon; how to prioritize reviews has not yet been decided, however, Hornby Island has had the most recent OCP review project completed;
- Budgeting for hiring a consultant to work on a comprehensive OCP review might be an option for consideration;
- Trustee Scott offered to follow-up with staff, to assist with work on a business case to support hiring a consultant, and to bring this topic back to a future LTC meeting.

15.7 Forest Conservation Outreach Briefing - for information

Received.

16. REPORTS

16.1 Trust Conservancy Report dated November 24, 2020

Chair Fast provided a brief update of Trust Conservancy matters.

Trustee Scott left the meeting at 2:11 pm.

16.2 Applications Report dated January 18, 2021

Staff responded to questions that arose and provided updates as requested.

16.3 Trustee and Local Expense Report dated October, 2020

Received.

16.4 Adopted Policies and Standing Resolutions

In response to a Trustee's inquiry, staff confirmed that the Standing Resolution to defer enforcement on year-around unlawful permanent dwellings until December 31, 2021 had been added to the report of Adopted Policies and Standing Resolutions.

16.5 Local Trust Committee Webpage

No changes or additions were requested.

17. WORK PROGRAM

17.1 Top Priorities Report dated January 18, 2021

Received.

17.2 Projects List Report dated January 18, 2021

Received.

18. CLOSED MEETING – none

19. INFORMATION ITEMS

19.1 Trust Council Decision Highlights - December 1-3, 2020

Received.

19.2 Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law

Received.

19.3 Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting

Received.

20. UPCOMING MEETINGS

20.1 Next Regular Meeting Scheduled for Friday, March 26, 2020 at 10:00 am at - Location to be determined

Trustees confirmed the next regular meeting date and time with the location to be determined.

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder