



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: October 8, 2021
Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
 Jaime Dubyna, Island Planner (by Speakerphone)
 Ian Cox, Planner 2 (by Speakerphone)
 Teresa Mahikwa, Island Planner (by Speakerphone)
 Katherine Vogt, Recorder (by Speakerphone)
 Lisa Wilcox, Senior Intergovernmental Policy Advisor (by Speakerphone)

Others Present: Daniel Arbor, Electoral Area Director
 Approximately seven (7) members of the public
 Approximately eight (8) members of the Hornby Housing Coalition

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 10:32am. She acknowledged that the meeting was being held in person in territory of the Coast Salish First Nations. She welcomed members of the public and introduced Trustees, staff, and recorder. She welcomed Electoral Area Director, Daniel Arbor. She noted that the meeting was being video recorded.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Move item 18.1 to after item 4. Town Hall to prioritise discussion of electronic meeting option for the next Local Trust Committee (LTC) meeting.
- Move item 12.1 Minimum Average Lot Areas Amendment Project (MALA) to after item 10.2.

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Scott provided a summary of activities and meetings attended:

- An October Hornby Island school event that showcased the beautiful condition of the new school, the community effort that has gone into it, and that there could be up to 53 students this year.
- The Thatch situation seems stalled. Meetings between the Minister and Chief Rempel have taken place, but Trustees have not been invited.
- Year-round permanent housing needs.

Trustee Allen provided a summary of activities and meetings attended:

- Attended the September Trust Council meeting at which issues regarding tree cutting on private properties was discussed.
- Conversations regarding San Juan Islands experiencing similar problems to the Gulf Islands with secondary homes and increasing numbers of visitors.
- Recent Comox Valley Regional District meeting.
- Discussions with members of the Fire Department on fire protection issues.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- A recent Islands Trust Conservancy Board meeting.
- A recent Executive Committee meeting.

3.3 Electoral Area Director's Report

Director Daniel Arbor reported on the following:

- An upcoming elected official forum with K'ómoks First Nation regarding water, including community and private well issues, and climate change impacts on water.
- Hornby and Denman Highspeed Internet Referendum Virtual Open House Sessions sponsored by the Comox Valley Regional District on October 6 and 7, 2021, in preparation for the upcoming November referendum.
- Property tax impacts for Hornby Island when property assessments increase.
- A recent meeting with various Hornby Island participants regarding local housing needs.

4. TOWN HALL

Members of the public commented and the following was noted:

- Chair of the Hornby Island Advisory Planning Commission (APC) Wendy Burton, provided an update on the APC referral progress, noting that final APC recommendations for First Nations references inclusion in the Hornby Island Official Community Plan (OCP) are nearly complete; and that the APC will soon move into discussion of housing issues, including short-term vacation rentals. These meetings are open to the public. Many members of other Hornby associations have been invited to participate at upcoming APC meetings on housing as resource persons. Chair Burton emphasised that housing needs on Hornby are not only for short term seasonal workers, but also for full-time year-round workers, people housed in insecure homes, and committed residents who are excluded from the high-priced property market.
 - Trustee Scott thanked Chair Burton for her report and for the recent work of all APC members.

- It is asserted in the Bradsdadsland application that they are providing housing in the winter for essential workers only; however, at least one, and perhaps more, non-essential workers were living there this winter.
- There should be a moratorium on further subdivision to prevent overpopulation.
- A caravan/trailer park is an affordable, realistic solution for immediate housing needs.
- Participants with commercial housing interests outnumber participants with housing needs, within the Hornby Housing Coalition. The community really needs to hear from those with housing needs.
- The community and the Hornby Housing Coalition needs to better acknowledge that Short-term Vacation Rentals (STVRs) have been impacting housing stock for many decades.
- Affordable housing could be provided by allowing small, ecological, sustainable dwelling units for use by year-round residents on existing properties, especially those that are vacant in the winter. Rather than develop undeveloped land; already developed land could be better utilised.
 - Trustee Scott noted that this idea had come up at recent meetings and would be further discussed.
 - Trustee Allan appreciated the many creative ideas around housing that are circulating in the community.
- The Islands Trust did a good job in 2018 in providing for all islands to create a housing needs assessment. Twenty affordable housing units were identified as needed on Hornby Island. A multi-pronged approach is needed to solve housing issues.
 - Trustee Scott noted that underlying all approaches were the critical factors of water availability and safe sewage disposal.
- Illegal housing under moratorium could be transitioned through the Temporary Use Permit (TUP) system to become legal.
- The community needs to be wary that they do not inadvertently create the opportunity for more STVRs, thus continuing to fail to provide affordable housing for long-term residents.

18.1 Next Regular Meeting Scheduled for Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

Chair fast noted that the provincial government was shifting to in person meetings, but that the upcoming December 10, 2021 meeting could be done entirely electronically if it were declared a special meeting.

Trustees noted that some advantages to electronic meetings include less staff travel, reduced fuel usage, mitigating global warming, staff efficiencies, and not having to wear a mask. Disadvantages were poor internet service for many residents on Hornby Island, and not being able to see people all together. It would be beneficial to have a zoom component for in person meetings for those unable to attend.

Regional Planning Manager Kauer noted the following:

- During the Covid emergency, staff were allowed by the provincial government to conduct electronic meetings by the emergency overriding of local meeting procedures bylaws; but now, local trust committees would need to update their local meeting procedures bylaws to allow as many electronic meetings as wanted.
- The current meeting procedures bylaw allows only special meetings to be electronic. Special meetings would likely not have a Town Hall portion.

- The technical aspects of conducting electronic meetings involve extensive time involvement by administrative staff who must attend the entire meeting. This is unsustainable long-term.
- The most difficult part for administrators of zoom meetings is managing the coming in and out of remote attendees, so the Town Hall portion of zoom meetings is the most difficult part to manage.
- Video recording and streaming of a meeting is easier to staff and technically support.
- For in person meetings, a staff member would need to be present.
- Room to Grow and the Hornby Community Hall may not have reliable Wi-Fi to support a zoom component.
 - Trustee Allan noted that the Hornby Island Residents' and Ratepayers' Association (HIRRA) zoom meetings had had as many as 60 participants, and that a local person could manage electronic Islands Trust meetings.
 - APC Chair Burton noted that at one HIRRA meeting she was unable to vote due to a lost internet connection.

Members of the public noted the following:

- Zoom allows more members of the public to participate and saves time for participants.
- Zoom disenfranchises those who do not have electronic devices or who have poor internet connections.
- Mask rules can be determined by whoever calls a meeting rather than whoever owns and operates a venue.
 - Chair Fast noted that it was the British Columbia Centre for Disease Control (BCCDC) that was determining mask protocols for provincial government meetings.
- Body language and facial expressions are important aspects of a meeting. Zoom and masks contribute to the invisibility of participants; especially if there is no participant list. Zoom meetings should allow all participants to see all other participants.
- Hybrid Zoom/in-person meetings would allow busy people to participate more.
- Future fibre optic capacity on Hornby will contribute to allowing more people to participate in electronic meetings.

The next meeting will be in-person, Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

Director Daniel Arbor left the meeting at 11:18 am.

5. DELEGATIONS

5.1 Hornby Housing Coalition

Barbara Baird of the Hornby Island Housing Society spoke on behalf of the Hornby Housing Coalition (HHC) regarding the letter of September 27, 2021 by the HHC to the LTC which urgently requests the LTC to extend the current moratorium on bylaw enforcement on illegal dwellings, and which requests further longer term support from the Comox Valley Regional District and Islands Trust planning staff for affordable housing solutions.

She read out the HHC Statement of Purpose and explained that the HHC was a separate coalition from all other associations on Hornby. Though many participants came from these other associations, they were encouraged to speak from their own individual experience, rather than as spokespersons for these other associations. The HHC,

utilizing consensus decision making, was hoping to generate new solutions to the affordable housing crisis on Hornby Island.

A member of the HHC read out the 2-page September 27, 2021 letter from the HHC to the LTC, as contained on pages 4 and 5 of the October 8, 2021 LTC Agenda Package.

The HHC had identified the need for a new housing zone to be created on Hornby Island and were requesting help from planning staff.

Trustees noted the following:

- They were not able to attend local meetings together because this would constitute a quorum of a committee and there were provincial rules against this.
- The new zone concept could be forwarded to the APC for their upcoming housing referral.
- Planning staff time is limited and in demand.
- The possibility of a request to the Executive Committee for a budgetary allowance to hire a private, perhaps local, planning consultant to support the APC housing referral.
 - Chair Fast noted that formal budget requests are being assessed right now for the upcoming year.
 - Chair Fast referred to Item “17.1 Islands Trust awarded a \$367,795 grant from the Province of BC for a Development Application Service Delivery and Technology Improvement Program” as one solution by which affordable housing might be fast-tracked.

By general consent the meeting recessed at 11:55 am and reconvened at 12:30 pm.

Planner Dubyna joined the meeting at 12:30 pm.

6. MINUTES

6.1 Local Trust Committee Minutes dated July 16, 2021 - for adoption

By general consent the Local Trust committee meeting minutes of July 16, 2021 were adopted.

6.2 Section 26 Resolutions-without-meeting – none

6.3 Advisory Planning Commission Minutes dated July 23, 2021 - for receipt

Received

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated September 29, 2021

Regional Planning Manager Kauer offered to request that Freshwater Specialist Shulba provide an update on progress made with the Watershed Protection and Groundwater Preservation Project Charter and to follow up on progress made regarding the advertising of TUPs for seasonal worker accommodation.

7.2 Laskin - Second Liquor Sales Temporary Use Permit Resolution - Staff Report

Regional Planning Manager Kauer presented the Memorandum for File No.: HO-TUP-2021.1 (Laskin) dated October 8, 2021, which explains that the applicant cannot reapply for a similar TUP within one year of the original application under existing procedures bylaws unless the LTC passes a new resolution.

Trustees discussed that the applicant can apply for a Special Events License through the Liquor Branch for Friday night liquor sales and that public and neighborhood reactions could be assessed.

Planner Cox joined the meeting at 1:14 pm.

Planner Cox answered Trustee questions regarding the applicant's request for an LTC resolution to allow reapplication.

Planner Cox left the meeting at 1:19 pm.

8. REPORTS

8.1 Trust Conservancy Report dated July 13, 2021

8.1.1 The Heron – Summer 2021

Chair Fast reported on the following:

- At a recent Islands Trust Conservancy Board meeting, members had been very happy to welcome a highly experienced and distinguished new appointee: Dr. Risa Smith of Galiano Island.
- A new area of protected land on Lasqueti Island by an outside group.
- The advancement of new covenants and nature reserves by the Islands Trust Conservancy.
 - A Trustee expressed that it would be helpful for the Conservancy meetings to focus more on questions and answers, rather than the reading out of already published material.

8.2 Applications Report dated September 29, 2021

Received.

8.3 Trustee and Local Expense Report dated July, 2021

Received.

8.4 Adopted Policies and Standing Resolutions

Regional planning Manager Kauer presented the October 8, 2021 Staff Report which asks the LTC to consider extending the expiration date of Standing Resolution No. HO-2017-011 which defers bylaw enforcement for three specific properties. It was also realized that Trustees could address the expiration of resolution HO-2020-074 which pertained to general deferment of pro-active enforcement of year-round unlawful housing.

HO-2021-053

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.

CARRIED**HO-2021-054****It was MOVED and SECONDED,**

that 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, 2023.

CARRIED**8.5 Local Trust Committee Webpage**

Nothing to report.

9. COMMUNITY INFORMATION MEETING - Minimum Average Lot Area Amendments Project (MALA) - Proposed Bylaw No. 166

Planner Mahikwa opened the Community Information Meeting for Proposed Bylaw No. 166, allowing for a question and answer period between members of the public, Trustees and Staff.

Planner Mahikwa explained that, if adopted, Bylaw No. 166 would amend the Hornby Island Official Community plan (OCP) by proposing changes to make OCP policies more consistent with existing Land Use Bylaws (LUB) regulations regarding minimum average lot sizes and minimum average lot area. Proposed Bylaw No. 166 eliminates references in the OCP to specific lot measurements but does not change any of the subdivision regulations contained in the LUB. Smaller than minimum lot sizes will only be considered if the subdivision is for the purpose of community benefit.

Members of the public asked the following: questions:

- What specifically does this bylaw change?
 - Planner Mahikwa explained that the present OCP has many inconsistent lot size references that do not correlate with lot size references in the LUB. Since only the LUB is subject to bylaw enforcement, it is superfluous to maintain lot size references in the OCP. While the OCP guides overall policy, it is the LUB that provides specific subdivision regulations. Bylaw No.166 is essentially a housekeeping bylaw that eliminates confusion for applicants.
 - Planner Mahikwa clarified that the MALA project involves two separate bylaws: Bylaw No. 166 to amend the OCP, and Bylaw No. 167 to amend the LUB. The Public Hearing for the LUB Bylaw No. 167 was waived.
- Do Agricultural Land Commission (ALC) bylaws overrule LTC bylaws for agricultural land on Hornby Island if they are inconsistent?
 - Planner Mahikwa responded that provincial legislation does overrule local bylaws.
- Whichever agency has the strictest laws seems to prevail, is that your understanding?
 - Planner Mahikwa responded that ALR property bylaws would overrule Islands Trust bylaws, even if the ALR rules are more lenient.

10. PUBLIC HEARING - PROPOSED BYLAW NO. 166 to begin at 12:35 PM**10.1 Recess for Public Hearing**

By general consent the meeting was recessed for a Public Hearing at 12:46 pm.

10.2 Recall to Order

Chair Fast recalled the meeting to order at 12:57 pm.

12. LOCAL TRUST COMMITTEE PROJECTS**12.1 Minimum Average Lot Area Amendments Project (MALA) - Staff Report - consideration of further readings**

Planner Mahikwa presented the staff report which requests LTC approval for OCP Bylaw No. 166, for which the Public Hearing had just taken place; and for LUB Bylaw No. 167, for which the Public Hearing process had been previously waived.

Bylaw No. 167 amends Schedule “A” of Hornby Island Land Use Bylaw, 2014 as follows:

- 1.1 Part 8 – ZONE REGULATIONS, Section 8.2 Residential 2 – Large Lot (R2) Zone, is amended by deleting Subsection 8.2(9) – Other Regulations “Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares” in its entirety.

HO-2021-055

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”, be read a third time.

CARRIED

HO-2021-056

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 167 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

HO-2021-057

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, be read a third time.

CARRIED

HO-2021-058

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Islands Trust Executive Committee.

CARRIED

HO-2021-059

It was MOVED and SECONDED,

that, following Islands Trust Executive Committee, staff forward Hornby Island Local Trust Committee Bylaw No. 166 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2021”, to the Ministry of Municipal Affairs and Housing for approval.

CARRIED

Trustees thanked Planner Mahikwa for her work on the MALA project.

Planner Mahikwa left the meeting at 1:06 pm.

11. APPLICATIONS AND REFERRALS

11.1 Islands Trust Area Bylaw No. TC183 - Referral Request for Response

Bylaw No. TC183 substantially updates the Islands Trust Policy Statement.

HO-2021-060

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee defer decision on Bylaw TC183 until after further public consultation.

CARRIED

Planner Dubyna joined the meeting at 1:36 pm.

11.2 HO-RZ-2020.1 (Kramer - 2105 Shingle Spit Road) - Staff Report

Planner Dubyna presented the Staff Report on the application File No.: HO-RZ-2020.1 (Kramer) dated October 8, 2021 which updates the LTC on information staff received since March, 2021.

Regional Planning Manager Kauer explained that the property was illegally non-conforming, not legally non-conforming. The property would have to be rezoned as a special zone with specific LTC approved stipulations to achieve legality.

HO-2021-061

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee proceed no further with application HO-RZ-2020.1 for the following reason: because of the history of non-compliant activities on the property.

CARRIED

HO-2021-062

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee return File No. HO-RZ-2020.1 to Islands Trust Bylaw Enforcement and Compliance to continue enforcement of File No. HO BE 2019.6.

CARRIED

Planner Dubyna left the meeting at 2:03 pm.

By general consent the meeting recessed at 2:04 pm and reconvened at 2:08 pm.

13. CORRESPONDENCE

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

13.1 Email dated September 27, 2021 from J. Ovitsland, M. Mackenzie, S. Horner and L. Nunley regarding Extension of Hornby Island Special Resolution HO-2020-074

Received.

14. NEW BUSINESS**14.1 Siting and Use Permit - Bylaw No. 168 - Staff Report**

Regional Planning Manager Kauer presented the Staff Report dated October 8, 2021, regarding repeal and replacement of the Hornby Island Siting and Use Permit Bylaw, noting that the original 1990 Siting and Use Bylaw needed modernizing and that professionally drafted site plans, which Hornby Island presently does not require, would be beneficial for some applications to reduce applicant error.

The Staff Report recommends that in cases where a building or structure is proposed to be sited within one metre of the required setback, site plans submitted with the application should be drafted by a surveyor.

HO-2021-063

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to collect information on the language used by the Capital Regional District for Southern Gulf Islands regarding accessory buildings and setbacks in relation to site plans.

CARRIED**14.2 New Fees Bylaw - Request for Decision**

Trustees discussed the new model fees bylaw: Trust Council Policy "5.6.1 Application Processing Services," a 7-page document that could be adopted as is or modified specifically for Hornby Island.

HO-2021-064

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee refer the staff report on the new fees bylaw to the Hornby Island Advisory Planning Commission for consideration.

CARRIED**14.3 Standing Resolution HO-2020-074 expiry on December 31, 2021 - Staff Report**

This item was addressed in item 8.4.

15. WORK PROGRAM**15.1 Top Priorities Report dated September 29, 2021**

Received.

15.2 Projects List Report September 29, 2021**HO-2021-065**

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a draft business case to assist the Hornby Island Advisory Planning Commission in its review of the Hornby Island Land Use Bylaw and Official Community Plan, that this business case include the use of a consultant for all or part of the work, and that staff forward the Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/2023 Islands Trust budget.

CARRIED

By general consent the regular meeting was recessed at 2:27 pm.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2021-066

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) (d) and (m) for the purpose of considering:(d) adoption of In-Camera Meeting minutes dated July 16, 2021 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Fast recalled the meeting to order at 2:33 pm.

16.3 Rise and Report

There was nothing to report.

17. INFORMATION ITEMS

17.1 Islands Trust was awarded a \$367,795 grant from the Province of BC for a Development Application Service Delivery and Technology Improvement Program

Received.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for Friday, December 10, 2021 at 10:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:35 pm.

Sue Ellen Fast, Chair

Certified Correct:

Katherine Vogt, Recorder