



DATE OF MEETING: January 20, 2023

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner  
Northern Office

SUBJECT: Status update on OCP/LUB Review Project

## RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to work with the consultant to schedule and advertise a second electronic Community Information Meeting prior to February 28, 2023, to solicit public input on options to regulate Short Term Vacation Rentals.
2. That the Hornby Island Local Trust Committee request the members of the Advisory Planning Commission to meet with the project consultant by March 15, 2023 to review consultant recommendations on the OCP/LUB Review project and provide input on priority amendments to the OCP and LUB for LTC consideration.
3. That a summary report be prepared by the consultant and submitted to planning staff by March 30, 2023 to clearly identify specific policy and regulatory changes recommended to advance improvements to the Official Community Plan and Land Use Bylaw in the four topic areas included in the OCP/LUB review project.
4. That the Hornby Island Local Trust Committee request staff to prepare an update to the Hornby Island Official Community Plan and Land Use Bylaw Amendment Project Charter v. 2.0, dated September 9, 2022 to reflect the revised timeline and deliverables of the project.

## REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with a summary of work completed to date under contract for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project. Staff are seeking direction from the LTC on amendments to the project workplan in order to advance deliverables of the project prior to the end under the existing contract in March 2023.

## BACKGROUND

The following resolutions related to this active LTC project were passed by the LTC in 2022:

**HO-LTC-2022-055**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the amended Hornby Island Official Community Plan amendment review Project Charter, including requesting \$15,000 for consultants to draft bylaws.

**CARRIED**

A planning consultant (Patricia Maloney) was retained under contract to undertake public engagement and draft bylaw language for the LTC in the 2022/2023 fiscal year.

**HO-LTC-2022-057**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee endorse the revised business case for the Hornby Island Official Community Plan Amendment Review Project and forward to the Financial Planning Committee for consideration in the 2023/2024 budget. **CARRIED**

The business plan to complete the OCP/LUB review project was forwarded to the Financial Planning Committee and will be considered by Trust Council for approval in March 2023. If approved, funds will be available to complete the OCP/LUB review project in the next fiscal.

**HO-LTC-2022-058**

**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee requests that the first consultation workshop be a Zoom meeting to be held in the evening before October 15, 2022. **CARRIED**

A public electronic community information meeting was held on October 6, 2022 covering all four topic areas of the OCP/LUB review. A second consultation session has not yet been scheduled pending LTC review of work done to date and direction on next steps.

**Analysis:**

The following are workplan deliverables of the Project Charter (Attachment 2). Staff have annotated the status of each deliverable:

<b>Workplan Overview</b>		
<b>Deliverable/Milestone</b>	<b>Date</b>	<b>Status as of January 12, 2023</b>
Project Charter Endorsed	June, 2022	<b>COMPLETED and revised September 2023 (Version 2)</b>
Execute Consultant Contract	August, 2022	<b>COMPLETED</b>
First Community Workshop	October, 2022	<b>COMPLETED</b>
Second Community Workshop	Winter, 2022/23	<b>PENDING – part of contract deliverables to March 31, 2023</b>
Consultant Report on Workshops and Recommendations for Bylaws	Spring, 2023	<b>PENDING – part of contract deliverables to March 31, 2023</b>
1 <sup>st</sup> Reading of bylaws and referral	Spring, 2023	PENDING – next fiscal
2nd Reading of bylaws and schedule CIM and Public Hearing	Summer, 2023	PENDING – next fiscal
CIM/Public Hearing	Fall, 2023	PENDING – next fiscal
3 <sup>rd</sup> Reading and forward to EC and Ministry	Winter, 2023/24	PENDING – next fiscal
Adoption	Spring, 2024	PENDING – next fiscal

The consultant has prepared a memorandum (Attachment 1) which outlines the work that has been completed to date and suggests alternatives to the project charter workplan and contract deliverables due to the contract budget being exceeded. The first consultation event which took place in October was not seen as successful by organizers or participants and as such it is recommended by the consultant and staff that revised approach to the project be considered at this time.

Staff concur with the following consultant’s recommendations:

1. Consultant to facilitate a second electronic engagement session focusing specifically on the topic of short term vacation rentals as this topic requires additional engagement to determine possible next steps in amendments to the OCP or LUB.
2. Consultant to schedule and facilitate a meeting with the Advisory Planning Commission (APC) members to review the engagement responses and policy/regulatory options prepared to date and prioritize recommendations to the LTC for consideration of next steps.

**Rationale for Recommendation:**

Due to the timing of elections, LTC meeting schedules and the volume of public correspondence that the consultant has been responding to as part of the first engagement session, contract deliverables are unlikely to be achieved by the end of this fiscal. Staff recommend the focus in the project for the remainder of this fiscal be adjusted as per the recommendations on page 1 of this report.

**ALTERNATIVES**

If the LTC wishes to re-visit the project deliverables and engagement topics or methodology, the project contract should be terminated. The termination clause in the contract stipulates that Islands Trust will be required to pay for any services received to the date of notice. A resolution of the LTC would be required to formally cease work on this project. Suggested wording for a resolution is: *“That the Hornby Island Local Trust Committee give notice of termination of the Service Contract with Patricia Maloney effective January 20, 2023.”*

**NEXT STEPS**

Staff can support the consultant to advertise a community information meeting specific to the topic of short term vacation rentals prior to the end of February. Staff will also assist in coordinating a meeting with members of the APC by March 15 and review consultant recommendations for presentation to the LTC by planning staff in the next fiscal.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	January 12, 2023
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**ATTACHMENTS**

1. Memo from consultant Patricia Maloney, January 2023
2. Endorsed Project Charter v. 2.0 2022

# Patricia A. Maloney, RPP, FCIP

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## MEMORANDUM

Date: January 4, 2023  
To: Rene Jamurat, Regional Planning Manager  
CC: Sonja Zupanec, Sharon Horsburgh  
Subject: Update and Recommendations for Hornby Island OCP Amendments

Following the October 6, 2022 virtual engagement session, I prepared a memo, submitted to Sonja Zupanec as Acting Regional Planning Manager, with our assessment of the four topics we were hired to review. The four topics were: Affordable Housing, Short-Term Vacation Rentals (STVR), First Nations and Riparian Areas (as per RFP-2023.006). It was determined by staff (direction from Heather Kauer) that the four topics would be presented in the same two-hour virtual meeting. We (the consultant) prepared the power point presentation, facilitated the engagement and prepared the summary memo.

The four topic areas are inter-related and it became evident during the two hour evening engagement session that it was not sufficient time to address the participant's concerns. Much time was spent on discussing STVR's as it is the most contentious issue which was exacerbated by mis-information and confusion amongst the public with regards to the land use regulations and issues associated with STVR and tourism generally.

Based on the consultant's review of the two previous creek studies, our review of provided reports and correspondence about the STVR issue, we have also prepared two recommendations for additional study and work to be completed:

1. Update the Riparian Area study (to consolidate the existing two studies, provide clarification on ditches and establish an island wide base map) to be completed by a qualified professional; and
2. Complete a full inventory of existing STVR and clearly identify those that are appropriately zoned and those that are not and determine a process for either enforcing non-compliant STVR's either through applying appropriate zoning or issuing Temporary Use Permits.

After the engagement session the consultant received dozens of follow up emails that required review and response. This was not in the original scope of work and took significant time to address. In addition, the Local Trustee contacted the consultant directly. Any suggestions or direction from the Trustee was provided to staff and not directly acted upon by the consultant.

Due to additional work and research completed by the consultant, the budget is currently 57.5% spent, leaving \$5,725 remaining to complete this project.

After meeting with Sonja Zupanec and discussing the project, we have the following recommendations for future work:

1. Meet with the Advisory Planning Committee (APC) to review our draft recommendations (based on the October 24<sup>th</sup> memo);

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2. Facilitate a meeting between the Local Trust Committee (LTC) and the Komoks First Nation (KFN) (Patricia Maloney is currently working with the Nation and could be a third-party facilitator);
3. Complete an additional virtual engagement session to address **only** the Short Term Vacation Rentals (virtual will allow the non resident property owners to participate); and
4. Prepare and present final draft recommendations to the LTC.

The remaining budget would be sufficient to complete the first task (including preparation and presentation to the APC assuming a 2 hour meeting), and one more virtual engagement about Short Term Vacation Rentals (including prep and presentation and preparation of a summary of the meeting).

Consolidating all of the data, engagement and recommendations for a final LTC presentation and the Komoks facilitation would not be covered in the current budget due to the extra time spent on the responses to the community after the first engagement session.

We also have recommendations for the virtual engagement session. The October 6<sup>th</sup> session demonstrated that the conversation was dominated by several individuals. We propose to make a strong presentation, ensuring that the Hornby Island Short Term Rental Association's previous reports and recommendations have been heard, explain the legal aspects, address the options more clearly and ensure that individuals have a clear understanding of how to make comments in the chat that do not go to the whole group and will not be read aloud and how to limit the input from the HISTRA members to allow other people to speak. It's a delicate balance.

We believe that the Riparian Area issues primarily relate to the residents not wanting to follow or recognize the provincial authority. There is very little to recommend other than updating the Development Permit Area Regulations to be consistent with the Provinces Riparian Area Protection Regulations and enforcement.

Affordable housing is another topic that all jurisdictions struggle with. Hornby has a Housing Needs Study and an MCP thesis by a Vancouver Island University student and Hornby resident that addresses options for housing. It faces the same challenges as STVR – water and density.

We would be very happy to meet with you to discuss this project and our next steps. I will be attending (to listen) the LTC meeting on January 20<sup>th</sup> when Sonja presents the project update to the Trustees.

# Hornby OCP Amendments Review Project - Charter v 2.0

Hornby Island Local Trust Committee

Endorsement Date: Sept. 9, 2022

**Purpose:** To review and update the Hornby Official Community Plan (OCP) and Land Use Bylaw (LUB) regulations with regards to housing, short term vacation rentals, First Nations acknowledgments, and riparian areas.

**Background:** The LTC identified a “Comprehensive OCP/LUB Review” as a top priority project and requested the Hornby Island Advisory Planning Commission to provide recommendations for OCP and LUB amendments related to four specific topics. The APC spent much of 2021 and early 2022 meeting and providing recommendations regarding amendments.

## Objectives

- Amend the Hornby Island OCP and LUB by incorporating recommendations of the Hornby Island Advisory Planning Commission and public feedback on these recommendations

## In Scope

- OCP and LUB amendments regarding:
  - Housing
  - STVRs
  - RAPR
  - First Nations
- Community Engagement + Leg. Process

## Out of Scope

- Topics beyond the four identified as in-scope;
- Public engagement beyond legislative requirements and community workshops

## Deliverables

- One OCP Amendment Bylaw
- One LUB Amendment Bylaw

## Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June, 2022
Execute Consultant Contract	August, 2022
First Community Workshop	October, 2022
Second Community Workshop	Winter, 2022/23
Consultant Report on Workshops and Recommendations for Bylaws	Spring, 2023
1 <sup>st</sup> Reading of bylaws and referral	Spring, 2023
2nd Reading of bylaws and schedule CIM and Public Hearing	Summer, 2023
CIM/Public Hearing	Fall, 2023
3 <sup>rd</sup> Reading and forward to EC and Ministry	Winter, 2023/24
Adoption	Spring, 2024

## Project Team

<i>Island Planner</i>	Project Manager
<i>Consultant</i>	Workshop facilitation and drafting of bylaws
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
<i>Administrative Office Assistant</i>	Website postings; meeting notices
<b>RPM Approval:</b> <i>Heather Kauer, RPM</i> <b>Date: September 9, 2022</b>	<b>LTC Endorsement:</b> Resolution #: 10-Jun-22; 9-Sept-22

## Budget

Budget Sources: TC Line Item Budget allocation		
Fiscal	Item	Cost
2022/23	Consultant Contract	\$13,450
2022/23	Workshop Venue Rental / advertising	\$850
2022/23	Minute-Taker	\$600
2023/24	Consultant Contract	\$13,200
2023/24	CIM/Public Hearing	\$1,800
	<b>Total</b>	<b>\$16,700</b>