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DATE OF MEETING: January 24, 2025

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, RPP, MCIP  
Northern Team

SUBJECT: Summary of Referral Responses for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

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## RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to schedule a special electronic meeting in February 2025 to:
  - i. Review and discuss preliminary data and mapping from the “Hornby Island Suitable Land Analysis Project”; and
  - ii. discuss implications of the land analysis data on possible amendments to proposed Bylaw Nos. 176 (OCP) and 177 (LUB).
2. That the Hornby Island Local Trust Committee authorize the release of up to \$150 from the Major Project budget to cover local advertising expenses to promote the special electronic meeting in February 2025.
3. That the Hornby Island Local Trust Committee request staff to invite members of the Advisory Planning Commission to attend the special electronic meeting in February 2025 to learn about the Hornby Island Suitable Land Analysis Project and potential implications on the proposed bylaws being considered by the LTC.
4. That the Hornby Island Local Trust Committee defer consideration of bylaw amendments or further readings of Proposed Bylaw Nos. 176 and 177 until the Suitable Land Analysis project has been completed in March 2025 and the LTC has considered the data and recommendations.
5. That the Hornby Island Local Trust Committee request staff to continue working on the Hornby Island OCP/LUB Review Project as a minor project commencing April 1, 2025 and request the Director of Planning Services to allocate \$5,000 from the 2025-2026 fiscal budget.
6. That the Hornby Island Local Trust Committee endorse the revised project charter for the Hornby Island OCP/LUB Review Project upon confirmation of minor project funding in March 2025.

## REPORT SUMMARY

This report summarizes referral responses for Proposed Bylaw Nos 176 (OCP) and 177 (LUB) to amend the Official Community Plan and Land Use Bylaws with regards to the objectives in the [project charter](#). Staff is recommending that consideration of amendments to both proposed bylaws be deferred until after the Local Trust Committee has reviewed the draft “Suitable Land Analysis” project data and mapping in February 2025 and considered the referral response from K’omoks First Nation. All relevant background information is posted to the Islands Trust [project webpage](#).

## **BACKGROUND**

On August 9, 2024 the Hornby Island Local Trust Committee (LTC) gave first readings to Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) and forwarded the bylaws to agencies and First Nations for comment. A summary of referral responses received to date are included in Attachment 1.

In early 2024 the Islands Trust Freshwater Specialist secured funding for “Suitable Land Analysis” (SLA) mapping and data to be collected for various Islands across the Trust where active projects were underway proposing increases in density or intensity of use. Planning staff were advised on January 9, 2025 that the project is now nearing completion and presentation of initial findings to the LTC are proposed for February 2025. The results of this project are anticipated to have potential implications on the proposed bylaws under consideration by the LTC.

## **ANALYSIS**

### **Issues and Opportunities**

Staff have identified the following preliminary issues and opportunities, discussed in more detail below.

#### ***Summary of Public Input and Referral Responses (Attachment 1)***

Attachment 1 summarizes the referral responses received up until the time of report writing. Staff have provided preliminary comments for LTC consideration of next steps. The Advisory Planning Commission has prepared a “Rationale to accompany the minutes of the HOAPC November 29, 2024” document (Attachment 2) which summarizes fifteen categories of recommendations and rationale from the APC discussions.

All public correspondence is posted to the [project webpage](#) and updated weekly. The LTC is encouraged to regularly review submissions and identify to staff any specific matters it wishes to explore or discuss during the major project agenda item.

#### ***Suitable Land Analysis (SLA) Tool Overview***

Informed by the Islands Trust Freshwater Sustainability Strategy, the SLA Tool prioritizes protecting freshwater resources. This tool has been focused on analysis for North Pender, Mayne, Denman and Hornby Islands as these islands have active LTC initiated projects proposing increases in density or intensity of use of land. Planning staff have been advised by the Islands Trust Freshwater Specialist that the preliminary data for Hornby Island is ready to be presented to the LTC for review and comment in February 2025.

The contract work and analysis is intended to be completed by March 31, 2025 and the results of the analysis can significantly support the implementation of the OCP and LUB Review Project. The data is intended to be used to ensure land-use aligns with sustainability objectives and protects critical habitats and landscapes. The SLA Tool is designed to evaluate and prioritize areas of the island suitable for sustainable development, emphasizing environmental conservation and community resilience. It employs Multiple-Criteria Decision Analysis (MCDA) to balance ecological, social, and economic factors. It

integrates data on ecological sensitivity, freshwater sustainability, transportation, infrastructure, and slope stability to guide informed land-use decisions.

The K'omoks First Nation (KFN) have been advised by planning staff that this tool is nearing completion and could inform the Hornby OCP and LUB review project. The Nation has responded to the referral for Proposed Bylaw Nos. 176 and 177 indicating that they wish to review the SLA data and mapping prior to responding to the proposed increase in density on the island through secondary suites, on most residentially zoned lots. A meeting is tentatively scheduled between planning staff and KFN staff for late January/early February to review the preliminary data and mapping. Staff are actively engaged with KFN staff to formalize an engagement summary document for review and endorsement by KFN. This summary will then be presented to the LTC with recommendations for next steps in the OCP/LUB review project.

Staff recommends that LTC consideration of amendments to both proposed bylaws be deferred until after the Local Trust Committee has reviewed the draft "Suitable Land Analysis" project data and mapping in February 2025 as per the recommendations on page 1 of this report.

### **Major vs Minor Project Classification**

The major funding for the Hornby OCP/LUB Targeted Review Project will expire at the end of the fiscal year (March 31, 2025). The project will need to transition to minor project status and qualify to access up to \$5,000 per year in minor project funding.

There is a critical window of opportunity to continue with the project and move the process toward completion. The Regional Planning Team will continue to lead the project with support from the Hornby Island Planner. The project is already well underway and maintaining momentum will ensure that it is completed efficiently and in a timely manner, with First Nations input and ensuring that the OCP and LUB are updated by March 2026.

By [Trust Council policy 5.9.1](#), an LTC can have one active minor project at a time. Staff recommends the LTC request \$5,000 in minor project funding for the 2025/26 fiscal year and review an updated project charter to reflect the amended budget and timelines as per the staff recommendations on page 1.

### **RATIONALE FOR RECOMMENDATIONS**

The timing of the completion of the suitable land analysis project now coincides with the LTC consideration of possible amendments to Proposed Bylaw Nos. 176 and 177. Staff recommend a review of the SLA data prior to advancing the bylaws to further readings or public hearing. The staff recommendations are found on page 1 of this report.

### **ALTERNATIVES:**

#### **1. Amend the Proposed Bylaws based on referral responses received to date.**

The LTC can amend the proposed bylaws and/or give further readings based on the referral responses received to date. If this alternative is selected, the suggested resolutions would be:

*"That Hornby Island Local Trust Committee Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" be amended by (specify amendments)"*

*"That Hornby Island Local Trust Committee Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" be amended by (specify amendments)"*

*“That Hornby Island Local Trust Committee Bylaw No. 176 cited as “Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024” be read a second time.”*

*“That Hornby Island Local Trust Committee Bylaw No. 177 cited as “Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024” be read a second time.”*

### **Next Steps**

If the LTC concurs with the staff recommendations, staff will schedule and advertise for a special electronic meeting in February and invite the APC members to attend.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	January 10, 2025
Concurrence:	Renee Jamurat, RPP, MCIP, Regional Planning Manager	January 13, 2025

### **ATTACHMENTS**

1. Summary of Referral responses received as of January 10, 2025
2. Advisory Planning Commission Rationale document - December 15, 2024
3. Proposed Bylaw No. 176 (OCP)
4. Proposed Bylaw No. 177 (LUB)
5. Revised Hornby OCP/LUB Review Project Charter, version 2.4

# ATTACHMENT 1 – SUMMARY OF REFERRAL RESPONSES

**TABLE 1. SUMMARY OF REFERRAL RESPONSES RECEIVED AS OF JANUARY 10, 2025 FOR PROPOSED BYLAW NOS. 176 (HO OCP) AND 177 (HO LUB)**

Agency or First Nation	Referral Response Summary	Planning Staff Comments
<b>K'omoks First Nation</b>	<p><i>“Regarding Hornby Proposed Bylaw Nos. 176 and 177 the K’omoks First Nation have been advised by Islands Trust Planning staff that data from a Denman and Hornby Island suitable land analysis study will be available in early 2025, which may inform our response to the proposed amendments. KFN may be able to respond to the request for a referral response after reviewing the results of the suitable land analysis.”</i></p>	<p><i>KFN staff have been invited to a meeting to review the preliminary data and mapping for both Hornby and Denman Islands. Staff recommend the LTC defer further consideration of any changes to the proposed bylaw until it also reviews the SLA data/mapping and KFN response, to determine possible implications on the proposed changes in Bylaw Nos. 176 and 177.</i></p>
<b>Island Health</b>	<ul style="list-style-type: none"> <li>▪ Keeping of Chickens on Residential Lots: Island Health staff recommend consideration of a minimum lot size; minimum coop and run size and model bylaws for keeping of hens as per the following links: <a href="https://www.saanich.ca/EN/main/community/agriculture-food-security/saanich-agricultural-regulations/backyard-chickens.html">https://www.saanich.ca/EN/main/community/agriculture-food-security/saanich-agricultural-regulations/backyard-chickens.html</a> The <a href="#">BC SPCA</a> has a page link to model bylaws. Reducing Health Risks Associated with Backyard Chickens – evidence brief prepared by Public Health Ontario. Recommendations for minimum coop / open run space per chicken for example 4 to 6 square feet of coop space per bird and 8 – 10 square feet of run space per bird. <a href="https://www.publichealthontario.ca/-/media/documents/e/2017/eb-backyard-chickens.pdf?sc_lang=en">https://www.publichealthontario.ca/-/media/documents/e/2017/eb-backyard-chickens.pdf?sc_lang=en</a></li> <li>▪ Recommend occupancy limits for vacation rentals.</li> <li>▪ Recommend minimum lot size for secondary suites be 2ha and that suites be located wholly within or attached to principle residence and not be permitted to be detached. Define “attached”. Define how adequate quality and quantity of potable water is to be achieved so</li> </ul>	<p><i>Planning staff have been in contact with IH staff and have requested a written bylaw referral response to capture the comments staff have received to date. Staff recommend the SLA data and mapping can be supportive in addressing options to proceed with respect to regulating secondary suites. All suggested referral recommendations can be brought back for LTC consideration.</i></p>

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	<p>that it includes chemical parameters not just biological. Use Guidelines for Canadian Drinking Water Quality.</p> <ul style="list-style-type: none"> <li>▪ Recommend clarifying maximum residential density of the PUa zone for community housing.</li> <li>▪ Recommend RVs not be permitted to be used as permanent dwellings.</li> </ul>	
<p><b>Denman Local Trust Committee</b></p>	<p>The bylaw referral is on the DE LTC Jan 21 agenda for consideration. A verbal update from planning staff anticipated January 24, 2025.</p>	
<p><b>Hornby Island Advisory Planning Commission</b></p>	<p>The APC has recommended several changes to the proposed bylaws (see minute in January 24, 2025 agenda package and Attachment 2 of this report). Below is a brief summary:</p> <ul style="list-style-type: none"> <li>▪ Permit secondary suites or additional dwelling units on all lots and limit size and tenure (residential only).</li> <li>▪ Adopt new definition of secondary suite and term “short term rental” to align with provincial regulations.</li> <li>▪ Not re-classify Sandpiper and Galleon subdivisions as 1A. Require at time of Siting and Use Permit for secondary suite, verification of adequate water and septic capacity.</li> <li>▪ Support vacation rental business licensing rather than TUP.</li> <li>▪ Remove provisions for secondary suites from Shire, Syzygy and Downes Point properties.</li> <li>▪ Consider capping number of vacation rentals.</li> <li>▪ Re-consider time period for vacation rentals with community consultation.</li> </ul>	<p><i>Staff recommend the LTC defer further consideration of any changes to the proposed bylaw until it (and the APC) also reviews the SLA data and mapping to determine possible implications on the proposed changes in Bylaw Nos. 176 and 177. All suggested referral recommendations can be brought back for LTC consideration.</i></p>

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	<ul style="list-style-type: none"> <li>▪ Supports allowing chickens on 1 ha or smaller lots and no roosters but recommends consultation with residents and property owners on rooster regulation.</li> <li>▪ Out of scope planning recommendations for A1 zoned properties and aquifer vulnerability and designations.</li> </ul>	
<b>Comox Valley Regional District</b>	A formal referral response had not been received by the CVRD although staff have indicated that they are interested to learn how the LTC proceeds to regulate vacation rentals before further investigation into the feasibility of a business license function is conducted.	<i>The LTC has received recent <a href="#">public correspondence</a> and APC recommendation encouraging the business license approach to authorizing vacation rentals. The LTC can request a brief analysis be prepared and presented by planning staff on the function of zoning, TUP and business licensing for further consideration.</i>
<b>Da'naxda'xw/Awaetlala First Nations</b> <b>Mamalikuulla First Nation</b> <b>Tlowitsis First Nation</b> <b>Tla'amin First Nation</b>	Have responded that Hornby Island is outside the core area of application and they defer comments to directly affected First Nations and support their decision making.	<i>Recommend LTC defer to K'omoks First Nation comments to inform potential amendments.</i>

Rationale to accompany the minutes of the HOAPC November 29, 2024 meeting

Prepared by Wendy Burton, Chair, and Angela Therrien, Vice-Chair, HOAPC

December 15, 2024

The HOAPC response to the proposed amendments are considered through the lens of climate change. The HOAPC proceeded with evidence-based information and the awareness of unintended consequences. We exercise the Precautionary Principle. We endorse the primary mandate of the Islands Trust: to preserve and protect Hornby Island.

1. The APC recommends Accessory Dwelling Units OR secondary suites because doing so
  - provides options for ‘aging in place’ and ‘work force housing’
  - supports the Hornby Island culture of limiting density to protect the ecosystem.
  - provides a way to legalize ADU currently located on properties in Sandpiper/Galleon and other areas of Hornby, providing septic and water approvals in place.
2. The HOAPC considers Glamping, as we understand it, to be a form of camping, and it is therefore not permitted where camping is not permitted. Where it is permitted, a TUP must be in place. We understand that properties within the ALR are governed by ALC rules and regulations; however, glamping or similar STR that are not considered agri-tourism will be governed by the TUP process

3. To emphasize ONE secondary suite OR ONE Accessory Dwelling Unit, conforming to existing bylaws to do with percent of land covered, size, siting, etc. The HOAPC recognizes the importance of limiting lot coverage and ground water protection and recommends limiting the size of the ADU.

- We understand secondary suites OR ADU, where permitted, will not be short term rentals
- We proceed on the understanding that short term rentals take place in the principal residence and not secondary suites OR ADU
- To respect First Nations’ concerns about further disturbance of the land as a result of increased development.
- We operate with the assumption that secondary suites OR ADU will be restricted to residential rental tenure or family occupation. Short term rentals will be permitted in the principal residence with a TUP

We acknowledge it is important to permit ADU because doing so reflects the Hornby culture. APC supports limiting the size and ground footprint of ADU to not increase lot coverage.

The HOAPC encourages the LTC to use the provincial definition of a secondary suite. “A secondary suite is a complete living unit with its own kitchen, sleeping area, and washroom facilities contained within another dwelling.”

4. The HOAPC recommends LTC adopt the provincial term “Short Term Rental” rather than the current IT term “Vacation Home Rental” to align with the new provincial legislation.

5. Below is the rationale for the recommended short term rental definition.



- The HOAPC recognize that it is important to the reader of the HO LUB that a definition of Short Term Rentals be clearly explained in the definition section of the HO LUB and that it aligns with the term Short Term Rental (new provincial legislation term for Vacation Rentals) and that the number of days a rental is considered short term is identified for the following reasons:
  - If the local LUB is silent on the number of days that define a short term rental and if the local legislation is silent then the provincial definition applies.
  - The new short term legislation now defines short term rental as less than 90 days. This means if we do not define it in our LUB then the provincial definition stands and it would apply to any rentals less than 90 days. On Hornby, this would preclude anyone renting off season on a month by month basis and therefore affect the workforce housing that comes to the island and also any other month to month rentals.
  - The Province in their legislation allows a local government to define short term rental at a different number of days than the 90. If we do not define days in the LUB then all rentals less than 90 days must have the TUP and rentals less than 90 days would be illegal October to April.

6. The HOAPC recognizes that scientific data exists to support the classification 1A (heavily developed/Highly vulnerable) of what is referred to as the Whaling Station subdivision. The HOAPC recognizes the HOAPC in 2022 reviewed sufficient evidence to identify the Sandpiper and Galleon subdivisions as 1A; however, we believe the requirement of a Site and Use Permit (SUP) for secondary suites to verify sufficient water and septic capacity will meet the concern for protecting these areas of the island without re-classifying more land and restricting secondary suites OR Accessory Dwelling Units on each lot.

7. The HOAPC recommends the LTC add the following out of scope land use planning issues to the future project list for further discussion and analysis:

- to enlist the aid of the IT Fresh Water Specialist to produce a comprehensive review of aquifer vulnerability mapping and designations for the entire on Hornby Island

8. The HOAPC supports STR licencing by CVRD rather than Islands Trust TUP, but understands that the TUP is what Hornby Island has to work with at present. We are aware a TUP is registered on title and follows the legal transfer of land, while a business licences does not transfer with title. The HOAPC encourages Island Trust to pursue licencing for Hornby Island.

9. Properties in R1(b) are governed by bylaws. If these land cooperatives or corporations wish to permit secondary suites, they may initiate the process with the LTC

- Shire
- Syzygy
- Downes Point

10. Our response to the proposed amendments to do with lot size and permitted dwellings is based on this understanding:

6.4.4.6 Only one principal dwelling unit and one secondary suite OR ADU will be permitted on lots small that 2 hectares AND A maximum of two dwelling units and two secondary suites OR two ADU will be permitted on lots 2 hectares or large.

11. The HOAPC did not make a recommendation about the capping of short term rentals. Doing so is out of the scope of this referral. In 2022 HOAPC did, however, encourage the LTC to consider capping short-term rentals (the number determined through community consultation).

12. The HOAPC did not make a recommendation about the permitted time period for Short Term Rental. Doing so is out of scope of this referral. In 2022 HOAPC did, however, suggest the time period for STR be re-considered with community consultation.

13. The HOAPC recommends the LTC add the following out of scope land use planning issues to the future project list for further discussion and analysis. The HOAPC recommended to the LTC in March 2022 to direct IT planners to create descriptive bylaws for two (now four) properties in the A1 zone: Fossil Beach Farm, Hornby Heart Vineyard, the property at 7250 Central Road, and Little Tribune Farm. This language will guide the development and permitting of activities that are not governed by ALC regulations.

14. During our discussions about the current referral, we were advised by Sonja Zupanec about the requirement for possibly two septic systems for secondary suites/ADU and the VIHA requirement that if the ADU shares a water line with the principal residence, then a Water System is required. This information needs to be prominently presented to community members considering adding a secondary suite or an ADU. Please refer to page 4 of the HOAPC meeting of November 1, 2024 for the record of what we learned.

- Sonja Zupanec has confirmed alternative forms of **approved** water and septic include rainwater collection, composting toilets, and “regulation” outhouses

15. The HOAPC moved to accept the amendment to allow keeping chickens on 1 hectare or smaller lots, with the exception that roosters are not permitted. We then considered a 1 hectare property might be large enough to have a rooster. We advise the LTC to request for input from such farm/small acreage property owners to decide if roosters may be permitted on lots 1 hectare or smaller.

# PROPOSED

## HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 176

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### A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. This bylaw may be cited for all purposes as “Hornby Island Official Community Plan Bylaw No. 149, 2014, Amendment No. 1, 2024”.
2. Hornby Island Local Trust Committee Bylaw No. 149, cited as “Hornby Island Official Community Plan, 2014,” is amended as per Schedule “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS                              9TH                              DAY OF                              AUGUST                              , 2024

READ A SECOND TIME THIS                              -                              DAY OF                              -                              , 202x

PUBLIC HEARING HELD THIS                              -                              DAY OF                              -                              , 202x

READ A THIRD TIME THIS                              -                              DAY OF                              -                              , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

-                              DAY OF                              -                              , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

-                              DAY OF                              -                              , 202x

ADOPTED THIS                              -                              DAY OF                              -                              , 202x

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**Chair**

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**Secretary**

**HORNBY ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 176**  
**Schedule "1"**

1. **Schedule "A"** of Hornby Island Official Community Plan, 2014 is amended as follows:
  - 1.1 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Objectives** (1) is deleted and replaced with:

“(1) to ensure that a variety of housing and housing tenure options are supported by this Plan.”
  - 1.2 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.1 Residential – General, Policies**, is amended by adding the following new policy after 6.3.1.3 “6.3.1.4 Vacation Home Rental use is permitted through the issuance of a valid Temporary Use Permit.”
  - 1.3 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Background** text, second paragraph is deleted and replaced with “The Anderson Drive/Whaling Station Bay aquifer areas are classified as the highest vulnerability in the province as 1A (heavily developed with high vulnerability). This is reflected in the area’s water quality and quantity problems, including saltwater intrusion, sulphureous water and poor-yielding wells. In 202X the Local Trust Committee added the Galleon and Sandpiper neighbourhood areas to this aquifer classification.”
  - 1.4 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Objectives** (3) is deleted and replaced with “(3) to protect the water resource in the aquifers classified as heavily developed, highly vulnerable; and”
  - 1.5 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Policies** 6.3.2.4 is deleted and replaced with “6.3.2.4 One principle dwelling and one secondary suite should be permitted on each lot.”
  - 1.6 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area**, the title be amended to read “Additional Policies for small lots in the IA Heavily Developed, High Vulnerability Aquifer Areas”
  - 1.7 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area**, Policy 6.3.2.15 be deleted in its entirety and subsequent policies re-numbered accordingly.
  - 1.8 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.2 Small Lot Residential, Additional Policies for small lots in**

the **Anderson Drive/Whaling Station Bay area, Policy 6.3.2.16** be amended by deleting the words “and vacation home rentals”.

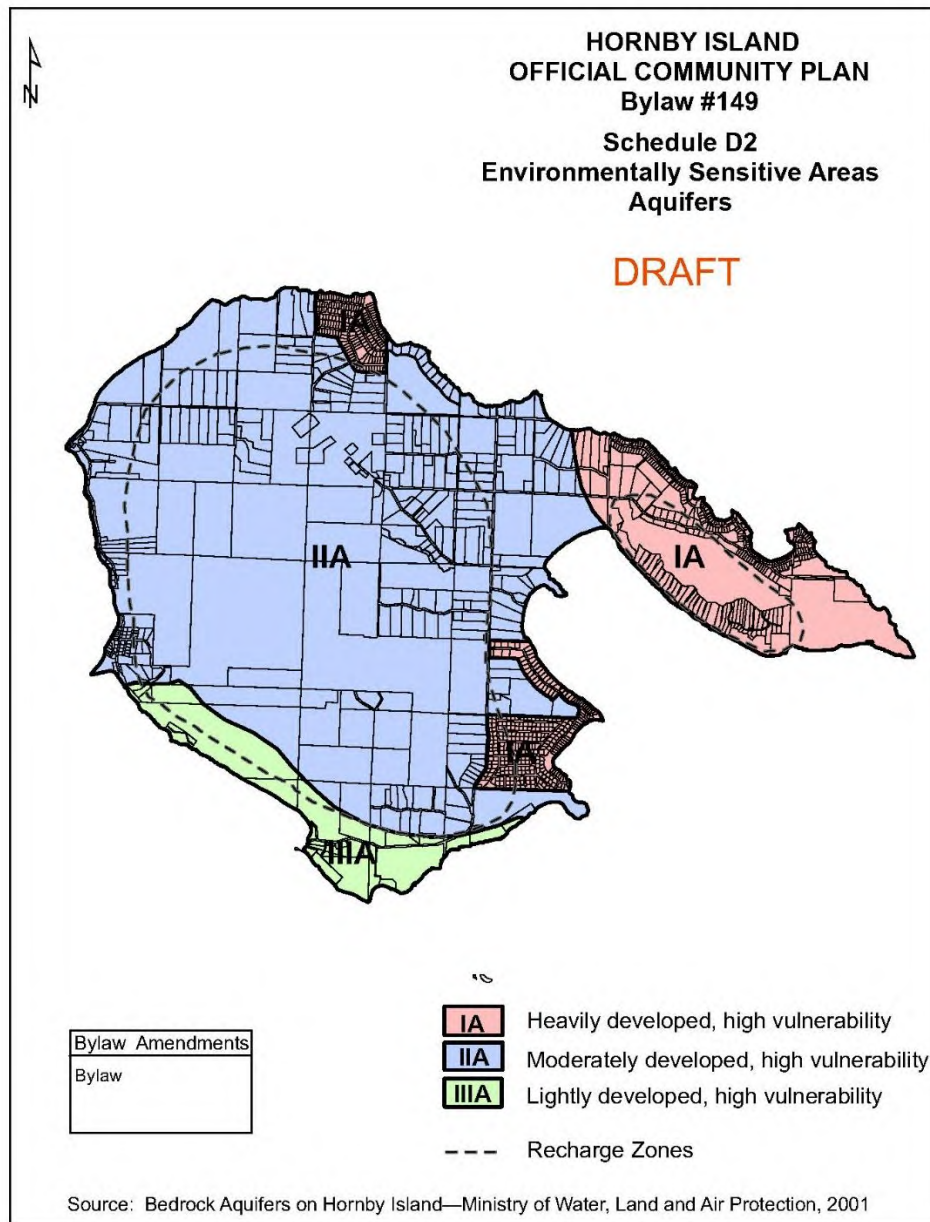
- 1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.3 Rural Residential, Objectives**, be amended by adding a new objective after (4) which reads: “(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential zone, through rezoning applications.”
- 1.10 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.3 Rural Residential, Policies 6.3.3.4** is deleted in its entirety and replaced with “6.3.3.4 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger.”
- 1.11 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.3 Rural Residential, Policies 6.3.3.6** is amended by deleting the words “and vacation home rentals”.
- 1.12 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.3 Rural Residential, Policies** is amended by adding a new policy 6.3.3.10 that reads “6.3.3.10 Rezoning applications are encouraged for multi-dwelling developments restricted to residential rental tenure and which ensure affordability is maintained in perpetuity.”
- 1.13 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.4 Forest, Policies 6.3.4.3** is deleted in its entirety and replaced with “6.3.4.3 Only one principal dwelling unit and one secondary suite should be permitted on lots smaller than 2.0 hectares. A maximum of two dwelling units and two secondary suites should be permitted on lots 2.0 hectares or larger.”
- 1.14 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.3 Residential, article 6.3.5 Housing, article Rental Housing Policies, 6.3.5.13** be deleted in its entirety and replaced with “6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, should be permitted on lots smaller than 2.0 hectares. A secondary suite, limited in size by regulation and located either within, attached to or detached from a permitted dwelling should be permitted on lots 2.0 hectares or larger.”
- 1.15 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.4 Agriculture, article 6.4.1 Agriculture, Policies, 6.4.1.4** be deleted in its entirety and replaced with “6.4.1.4 On lots 4.0 hectares or larger in the Agricultural Land Reserve, regulations should permit one principal dwelling and one secondary suite within the principal dwelling as well as one additional secondary dwelling limited in floor area and consistent with the Agricultural Land Commission regulations.”
- 1.16 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE, Subsection 6.5 Commercial and Home Occupations, article 6.5.2 Visitor Accommodations and Tourism, Policies, 6.5.2.5 a)** is amended by removing the words “, guest houses or vacation home rentals”.

- 1.17 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies**, 6.5.2.5 b) is deleted in its entirety and replaced with “6.5.2.5 b) On land in the Agricultural Land Reserve, vacation home rentals approved by a temporary use permit and agri-tourism accommodation in accordance with Agriculture Land Commission policy and regulations, if zoning allows such a use.”
- 1.18 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.2 Visitor Accommodations and Tourism, Policies**, Policy 6.5.2.5 is amended by adding a new item c) that reads: “c) Vacation home rental use may be approved through the issuance of a Temporary Use Permit and subject to guidelines contained within the Official Community Plan.”
- 1.19 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.3 Vacation Home Rental**, is deleted in its entirety and subsequent subsections renumbered accordingly.
- 1.20 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Background**, paragraph 2 is amended by removing the words “and vacation home rental of a primary residence is addressed in article 6.5.3 Vacation Home Rental”.
- 1.21 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.5 Commercial and Home Occupations**, article **6.5.5 Home Occupations, Policies**, Policy 6.5.5.7 is deleted in its entirety and subsequent policies renumbered accordingly.
- 1.22 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Objectives**, Objective (9) is deleted in its entirety and replaced with “(9) to allow vacation home rental use as per Policy 6.5.2.5 c)”.
- 1.23 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.10 Temporary Use Permits, Guidelines**, 6.10.1 through 6.10.10 are deleted and replaced with the following text: “The guidelines for this subsection are found in the Hornby Island Land Use Bylaw.”

**HORNBY ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 176**  
**Schedule "2"**

1. Schedule "D2" – Environmentally Sensitive Areas Aquifers of the Hornby Island Official Community Plan, 2014 is amended by deleting Schedule D2 in its entirety and replacing with the map as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "2" of Bylaw No. 149 as are required to effect this change.

**Plan No. 1**



# PROPOSED

## HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 177

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### A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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The Hornby Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2024”.
2. Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS                                    9TH                                    DAY OF                                    AUGUST                                    , 2024

READ A SECOND TIME THIS                                    -                                    DAY OF                                    -                                    , 202x

PUBLIC HEARING HELD THIS                                    -                                    DAY OF                                    -                                    , 202x

READ A THIRD TIME THIS                                    -                                    DAY OF                                    -                                    , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

-                                    DAY OF                                    -                                    , 202x

ADOPTED THIS                                    -                                    DAY OF                                    -                                    , 202x

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**



**HORNBY ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 177**  
**Schedule "1"**

1. **Schedule "A"** of Hornby Island Land Use Bylaw, 2014 is amended as follows:
  - 1.1 **PART 1, INTERPRETATION**, Section **1.1 Definitions**, the definition of **structure** is amended by adding the words ", and water storage cisterns." After "related appurtenances".
  - 1.2 **PART 1, INTERPRETATION**, Section **1.1 Definitions**, and the definition of **vacation home rental use** is deleted.
  - 1.3 **PART 3, GENERAL REGULATIONS**, Section **3.7 Vacation Home Rental Uses** be deleted and subsequent sections are re-numbered accordingly.
  - 1.4 **PART 3, GENERAL REGULATIONS**, Section **3.8 Secondary Suites**, Subsection **(1) (e)** is amended by replacing the words "the principle residential dwelling" with "a permitted residential dwelling".
  - 1.5 **PART 3, GENERAL REGULATIONS**, Section **3.8 Secondary Suites**, Subsection **(1) (g)** is amended by replacing the word "principal" with "permitted residential".
  - 1.6 **PART 3, GENERAL REGULATIONS**, Section **3.8 Secondary Suites**, a new subsection is inserted after **(2)** and before **(3)** with the following text:

“(3) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized qualified professional must state in writing to the Islands Trust that the potable water system to which the building accommodating the secondary suite is connected to, is capable of providing adequate quantity and quality of potable water.”

and the subsequent subsection renumbered accordingly.
  - 1.7 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(1) (d)** is amending by replacing the words "vacation home rental use" with "secondary suite as per Section 3.8 of this bylaw."
  - 1.8 **PART 8, ZONE REGULATIONS**, Section **8.1 Residential 1- Small Lot (R1) Zone (Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot)**, Subsection **(2) (a)** is deleted and replaced with "(a) a maximum of one residential dwelling unit with one secondary suite or one recreational vehicle used for a residential use per lot; and".
  - 1.9 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (c)** is amended by deleting the words "in a dwelling on lots 2.0 hectares or larger" and replacing with "as per Section 3.8 of this bylaw".
  - 1.10 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(1) (h)** is deleted.
  - 1.11 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (a)** is amended by adding the words "and one secondary suite" after the word "unit".
  - 1.12 **PART 8, ZONE REGULATIONS**, Section **8.2 Residential 2- Large Lot (R2) Zone**, Subsection **(2) (b)** is amended by adding the words "and two secondary suites" after the word "units".

- 1.13 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (b)** is amending by replacing the words “in a dwelling on lots 2.0 hectares or larger” with “as per Section 3.8 of this bylaw.”
- 1.14 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(1) (g)** is deleted.
- 1.15 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (a)** is amending by adding the words “and one secondary suite” after the word “unit”.
- 1.16 **PART 8, ZONE REGULATIONS**, Section **8.4 Residential 4- Forest (R4) Zone**, Subsection **(2) (b)** is amending by adding the words “and two secondary suites” after the word “units”.
- 1.17 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (d)** is amended by replacing the words “in a dwelling on lots 2.0 hectares or larger” with “as per Section 3.8 of this bylaw.”
- 1.18 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(1) (f)** is deleted.
- 1.19 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (a)** is amended by adding the words “and one secondary suite” after the word “unit”.
- 1.20 **PART 8, ZONE REGULATIONS**, Section **8.5 Agriculture 1 (A1) Zone**, Subsection **(2) (b)** is amended by adding the words “and two secondary suites” after the word “units”.
- 1.21 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (Shire Property)**, Subsection **(1) (b)** is amended by adding the words “as per Section 3.8 of this bylaw;” after “suite”.
- 1.22 **PART 8, ZONE REGULATIONS**, Section **8.6 Agriculture 2 –Agriculture/Residential (A2) Zone (Shire Property)**, Subsection **(2) (a)** is amended by adding the words “and one secondary suite per dwelling” after “units”.
- 1.23 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (Syzygy)**, Subsection **(1) (d)** is amended by adding the words “as per Section 3.8 of this bylaw;” after “suite”.
- 1.24 **PART 8, ZONE REGULATIONS**, Section **8.7 Agriculture 3 –Agriculture/Residential (A3) Zone (Syzygy)**, Subsection **(2) (a)** is amended by adding the words “and one secondary suite per dwelling” after “units”.
- 1.25 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (Downes Point Land Holdings Ltd.)**, Subsection **(1) (b)** is amended by adding the words “as per Section 3.8 of this bylaw;” after “suite”.
- 1.26 **PART 8, ZONE REGULATIONS**, Section **8.8 Agriculture 4 –Agriculture/Residential (A4) Zone (Downes Point Land Holdings Ltd.)**, Subsection **(2) (a)** is amended by adding the words “and one secondary suite per dwelling” after “units”.
- 1.27 **PART 8, ZONE REGULATIONS**, Section **8.21 Public Use (PU) Zone**, Subsection **(9) table** is amended by adding a new site specific regulation after “(d) Recycling depot” that reads “(e) Community housing.”
- 1.28 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.1 Temporary Use Permits**, text is amended by adding the following sentence at the end of the paragraph “All Temporary Use Permit Objectives are listed in the Hornby Island Official Community Plan.”
- 1.29 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.2 Objectives** is deleted and subsequent section renumbered accordingly.

1.30 **PART 10, TEMPORARY USE PERMIT AREAS**, Section **10.3 Guidelines**, Subsection **(10)** is deleted and replaced with the following:

“When considering the issuance of a Temporary Use Permit for a vacation home rental, the following additional guidelines apply:

(a) the cumulative effects, both positive and negative, on the neighbourhood and island of all Temporary Use Permits issued for vacation home rentals shall be considered by the Local Trust Committee;

(b) applicants for a Temporary Use Permit should provide documentation from a qualified professional that:

- i) the septic tank has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation rental use; and
- ii) there is sufficient quantity and quality of potable water to support the vacation rental use.

(c) a condition of the Temporary Use Permit should require the permit holder to post information for guests about awareness and sensitivity to the significant First Nations cultural heritage and archaeological sites on the island;

(d) a condition of the Temporary Use Permit should prohibit recreational vehicles or camping;

(e) a condition of the Temporary Use Permit should allow vacation rental use only between May 1 – September 30;

(f) a condition of the Temporary Use Permit should allow no more than 2 beds per bedroom and no more than three bedrooms to be used for dwellings on lots less than 1.0 hectare in size; or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(g) a condition of the Temporary Use Permit should restrict occupancy during any period of seven consecutive days to only one guest or guest party;

(h) a condition of the Temporary Use Permit should limit occupancy and signage on the property;

(i) a condition of the Temporary Use Permit should require specific information to be posted to guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) as stated in the Temporary Use Permit or as determined by the owner or manager to effectively manage the site; and

(j) any other requirements the Local Trust Committee may consider appropriate.

# Hornby OCP and LUB Review Project - Charter v 2.4 *DRAFT FOR LTC ENDORSEMENT*

Hornby Island Local Trust Committee

*Pending* Endorsement Date: Jan 24 2025

**Purpose:** To review and update the Hornby Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to increase housing options, regulate vacation rentals in residential zones through Temporary Use Permits and incorporate First Nations engagement recommendations.

**Background:** The Local Trust Committee (LTC) prioritized a “Comprehensive OCP/LUB Review” project in 2021 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. A consultant was hired in 2022 and prepared a report of final recommendations for LTC consideration of next steps in the 2023/24 fiscal year. In April 2024 the LTC confirmed the scope and purpose of the project to: 1) update policies and regulations related to secondary suites/dwellings, regulating short term vacation rentals through the use of Temporary Use Permits and other minor amendments; and 2) updating the OCP and LUB to better address the First Nations concerns and interests regarding land use planning on Hornby Island.

Objectives	In Scope	Out of Scope	Deliverables
<p>Amend the Hornby Island OCP and LUB by incorporating select recommendations of the Hornby Island Advisory Planning Commission; consultant’s recommendations; targeted engagement with First Nations and comprehensive public input.</p>	<p>-Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.</p> <p>- Add the Islands Trust Reconciliation declaration to the OCP.</p> <p>-Draft OCP and LUB Bylaw amendments:</p> <ul style="list-style-type: none"> <li>○ Supporting cooperative and purpose built rental housing;</li> <li>○ Supporting rezoning applications for ‘Large Lot Residential’ parcels to multi-family development for residential rental tenure;</li> <li>○ Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;</li> <li>○ Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;</li> <li>○ Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;</li> <li>○ Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).</li> <li>○ Update PU(a) zone to include community housing.</li> <li>○ Explore option to exclude cisterns from all setback requirements.</li> <li>○ Explore options to amend residential zoning to permit keeping of chickens for personal/commercial use and prohibit keeping of roosters.</li> </ul>	<p>Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the two anticipated public hearings).</p>	<ul style="list-style-type: none"> <li>• <b>2024/2025:</b> One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;</li> <li>• <b>2024:</b> Comprehensive First Nations Engagement Process</li> <li>• <b>2025/2026:</b> First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;</li> <li>• <b>PENDING:</b> Post Bylaw adoption community communication materials.</li> </ul>

Workplan Overview	
Deliverable/Milestone	Date
<i>Project Charter Endorsed - COMPLETED</i>	<i>June, 2022</i>
<i>Execute Consultant Contract - COMPLETED</i>	<i>August, 2022</i>
<i>First Community Workshop - COMPLETED</i>	<i>October, 2022</i>
<i>Second Community Workshop - COMPLETED</i>	<i>Winter, 2022/23</i>
<i>Consultant Report on Workshops and Recommendations for Bylaws - COMPLETED</i>	<i>Spring, 2023</i>
<i>LTC endorsement of project charter - COMPLETED</i>	<i>June and Sept 2023</i>
<b>Staff to participate in formal engagement with K’omoks and compile an engagement summary report for LTC consideration of potential policy and regulatory amendments to the Hornby OCP and LUB.</b>	<b>Spring 2024 – Spring 2025</b>
LTC to consider endorsement of revised Project Charter.	April 26, 2024
Housing and vacation rental draft bylaws presented to LTC for consideration of First Reading.	Summer 2024
Consider referral responses from First Nations, agencies, APC and community groups/public.	<b>Winter/Spring 2025</b>
Community Information Meeting - consider 2 <sup>nd</sup> Reading of housing and vacation rental bylaws.	<b>Winter/Spring 2025</b>
<b>CIM/Public Hearing for housing, vacation rental bylaws.</b>	<b>Spring 2025</b>
3 <sup>rd</sup> Reading and forward bylaws to Executive Committee and OCP to Ministry of Housing for approval.	<b>Summer/Fall 2025</b>
Adoption of housing and vacation rental bylaw amendments.	<b>Fall 2025</b>
<b>Staff to present First Nations Engagement Summary Report to LTC for consideration of comprehensive amendments to OCP and LUB.</b>	<b>Spring 2025</b>
<b>Draft amending OCP and LUB bylaws and commence legislative review process (bylaw readings and adoption) deriving from LTC endorsement of First Nations engagement recommendations.</b>	<b>Spring 2025-Winter 2025</b>

Project Team	
<i>Island Planner (Regional Planning Team)</i>	Project Manager/ bylaw drafting
<i>Planner 2 – Hornby Island</i>	Bylaw drafting and legislative process
<i>Legislative Clerk</i>	Legislative Process / Bylaw Review
<b>RPM Approval: Renee Jamurat, RPM June 2023; September 2023; April 2024</b>	<b>LTC Endorsement: Resolution #: 10-Jun- 22; 9-Sept-22; Jun 16-23; Sep 8-23; April 26-24</b>

Budget		
Budget Sources: TC Line Item Budget allocation		
2022/23	<i>Consultant Contract</i>	<i>\$13,450 SPENT</i>
2022/23	<i>Minute-Taker</i>	<i>\$600 SPENT</i>
2023/24	<i>K’omoks First Nation Engagement/Capacity Funding</i>	<i>\$12,000 SPENT</i>
2024/25	<i>K’omoks First Nation Engagement Capacity Funding</i>	<i>\$25,000 SPENT</i>
<b>2025/26</b>	<ol style="list-style-type: none"> <li><b>1. Public Hearing for OCP and LUB regarding housing, vacation rentals</b></li> <li><b>2. Legal review, Public Hearing for OCP and LUB changes incorporating First Nations recommendations</b></li> </ol>	<b>\$5,000 minor project budget (pending approval)</b>