

DATE OF MEETING: March 21, 2025

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, RPP, MCIP
Northern Team

SUBJECT: Consideration of Amendments to Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to advise the K'omoks First Nation referrals team that the LTC has granted an extension until April 30, 2025 for the Nation to respond to the referral for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB).
2. That Hornby Island Local Trust Committee request staff to prepare a draft amendment to Bylaw No. 176 cited as "Hornby Island Official Community Plan Bylaw No.149, 2014, Amendment No. 1, 2024" and Bylaw No. 177 cited as "Hornby Island Land Use Bylaw No.150, 2014, Amendment No. 1, 2024" to:
 - i. Specify the maximum density of community housing in the PUa site specific zone based on targeted consultation with representatives of the proposed project;
 - ii. Expand the Temporary Use Permit guidelines for vacation rentals to include the following requirements at the time of application: i) confirmation from an authorized person that sewerage system for the vacation rental has been inspected in the last 6 months and meets the requirements of the Sewerage System Regulation and/or determine what level of construction is required on the existing system to comply with the Sewerage System Regulation; ii) an issued operating permit for a water supply system servicing more than one dwelling; iii) confirmation from a qualified professional to certify the water supply meets the Canadian Drinking Water Protection Act (DWPA) for microbial and chemical quality or can be made potable with specified measures; and iv) confirmation from a qualified professional that well water quantity intended to supply the vacation rental is sufficient.
 - iii. Specify a maximum number of TUPs for vacation rentals that can be issued per year;
 - iv. Remove the proposed provision for secondary suites on lots less than 2.0 ha in size and secondary dwellings on lots under 4ha and remove provisions for secondary suites from Shire, Syzygy and Downes Point properties.
 - v. Remove the IA aquifer classification for the Sandpiper and Galleon neighbourhoods.

And return the draft bylaw amendments and any subsequent referral responses to the LTC for consideration of second reading at the May 16, 2025 regular business meeting.

- 3. THAT the Hornby Island Local Trust Committee request staff to add to the next annual meeting agenda with the Comox Valley Regional District, a request for a preliminary discussion on the regulatory, financial, and operational implications of implementing building inspection services on Hornby Island, prior to any further consideration by the LTC of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.**
- 4. THAT the Hornby Island Local Trust Committee request staff to continue to engage with staff from K'ómoks First Nation as part of the next phase of the OCP/LUB Review Project to specifically evaluate and report back on the regulatory, financial, and operational implications of implementing an island-wide Heritage Conservation Area on Hornby Island to address protection of cultural heritage resources and mandate the implementation of low impact construction standards/land alterations, prior to any further consideration of policy or zoning amendments that would expand provisions for secondary suites or secondary dwellings on the island beyond what is currently permitted.**
- 5. THAT the Hornby Island Local Trust Committee request staff to inform the Denman Island Local Trust Committee of resolutions #xxx (recommendations 4 and 5) and request a special meeting with the Denman LTC in the summer/fall 2025 to discuss potential opportunities to explore mutually supportive housing solutions and the K'ómoks First Nation Engagement summary for both islands as part of the next phase of the OCP/LUB Review Projects for both Local Trust Areas.**
- 6. That the Hornby Island Local Trust Committee request that the project charter be revised to prioritize enhancement of the Islands Trust Suitable Land Analysis data by:**
 - i. Posting the data to the project website so map layers for the island can be dynamically explored by public users;**
 - ii. Directing staff to engage with local environmental conservation groups to incorporate additional environmental data sets;**
 - iii. Directing staff to engage with First Nations on incorporating restricted access to available data sets (archaeology, culturally significant sites, areas of potential) and including any new publicly available data to support analysis of First Nations priorities.**
- 7. That the Hornby Island Local Trust Committee endorse the revised Hornby Island OCP/LUB Review Project Charter version 2.4 as presented in the staff report dated March 21, 2025.**

REPORT SUMMARY

This report summarizes referral responses, suitable land analysis data and staff recommendations for possible amendments to Proposed Bylaw Nos. 176 (OCP) and 177 (LUB) to amend the Official Community Plan and Land Use Bylaws. Staff is recommending amendments to both proposed bylaws be prepared and considered in conjunction with an anticipated referral response from K'omoks First Nation (KFN) at the next regular business meeting. An updated project charter is proposed to be endorsed to guide the continuation of the major project into the next fiscal. A first draft engagement summary with KFN is presented for LTC consideration of next steps. All relevant background information and public correspondence is posted to the Islands Trust [project webpage](#).

BACKGROUND

On August 9, 2024, the Hornby Island Local Trust Committee (LTC) gave first reading to Proposed Bylaws No. 176 (OCP) and 177 (LUB) and referred them to agencies and First Nations for comment. An updated summary of referral responses is provided in Attachment 1.

In January 2025, the LTC deferred further consideration of the proposed bylaws and potential amendments until receipt and consideration of the Suitable Land Analysis (SLA) mapping data. In February 2025, the Islands Trust Freshwater Specialist presented the Hornby Island SLA mapping results (Attachment 2) to the LTC. Using recommended weighted values, staff identified areas suitable for increased density or intensity of use. The findings suggest that areas already designated for residential uses and areas outside the Agricultural Land Reserve (ALR) on Hornby Island do not appear suitable for additional residential density or intensified land use.

Island Health has submitted a written referral response (Attachment 3) outlining key considerations relevant to the next steps in the bylaw review process. Additionally, the project charter (Attachment 4) will require amendments to reflect the updated project scope based on LTC direction.

For reference, the proposed bylaws (Attachments 5 and 6) remain unchanged since first reading. A first draft engagement summary with K'omoks First Nation (KFN) (Attachment 7) is also included, providing context on the range of issues, concerns, and perspectives that KFN anticipates working with the LTC on addressing in this next phase of the OCP/LUB review and bylaw drafting phase of the project.

The LTC is asked to review the information in this report and confirm support for bylaw amendments being prepared for consideration of second reading on May 16, 2025.

ANALYSIS

Issues and Opportunities

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

Referral Responses for Proposed Bylaw Nos. 176 (OCP) and 177 (LUB)

Attachment 1 summarizes the referral responses received up until March 11, 2025. Staff will provide a verbal update on any additional responses at the March 21 regular business meeting. All public correspondence is posted to the [project webpage](#) and updated regularly. The LTC is encouraged to review submissions prior to each business meeting and identify to staff any specific matters it wishes to explore or discuss during the major project agenda item.

The most recent referral response from Island Health is included in Attachment 2. **Staff support specifying a maximum density for community housing in the PUa zone; strengthening water and septic requirements for vacation rental TUPs; and not permitting detached secondary dwellings**

on lots less than 4ha in size. These changes are supported by the referral response, SLA data and included in the staff recommendations on pg. 1 of this report.

As of the time of report writing, staff have been informed that KFN are requesting an extension to late April 2025 to submit a referral response regarding Proposed Bylaws Nos. 176 (OCP) and 177 (LUB). The Nation has requested additional time to review the bylaws, incorporating their consideration of the Suitable Land Analysis data and a comprehensive review by their newly established environmental referrals team and possible presentation to their Chief and Council. **Staff recommend an extension for KFN as per the recommendation on pg. 1 of this report.**

Suitable Land Analysis (SLA) for Hornby Island

In February 2025, the LTC received Hornby Island's SLA data, Attachment 3, presented by the Freshwater Specialist and consultant. The analysis presented by staff is based on recommended weighted values of specific criteria and utilizing existing data sets. The LTC has the option to change the weighting based on local priorities or concerns with the validity of specific data layers.

The current OCP and LUB Review Project proposes allowing secondary suites within principal residences on all residential lots, as well as detached secondary dwellings on lots 2 hectares or larger. The LTC requested this amendment based on community input to address market rental housing shortages. However, the SLA findings indicate that such across-the-board density increases are not necessarily aligned with Hornby's capacity. The SLA Tool, which applies Multiple-Criteria Decision Analysis (MCDA), evaluates ecological sensitivity, freshwater sustainability, transportation infrastructure, and slope stability to determine where sustainable development can occur.

Island Health staff have responded to the referral with concerns about the proposed changes and the cumulative impacts on groundwater quantity, quality and septic capacity of the island. The K'ómoks First Nation (KFN) staff have shared preliminary engagement concerns about the unassessed cumulative impacts of residential development on groundwater, biodiversity, and heritage resources. These concerns highlight a critical flaw in the current approach to housing: site-specific water and septic studies may fail to account for broader regional impacts. Increased density may exacerbate water scarcity, strain ecosystems, and threaten cultural heritage sites if permitted relying only on site specific water and septic studies.

The absence of building inspection services on the island provides no assurances that any new construction or housing will meet or exceed provincial requirements for structural integrity, fire safety, septic system compliance, energy efficiency and water sustainability. Additionally, the KFN recommendation for exploring an island-wide Heritage Conservation Area (see Attachment 7) warrants careful consideration in addition to or in lieu of building inspection services, to ensure that all land use alterations respect and preserve areas, ecosystems and landscapes of importance to the Nation. Engaging with the Denman Island Local Trust Committee, Comox Valley Regional District and K'ómoks First Nation can provide the LTC with critical insights into feasibility, costs, and implementation timelines, ensuring that future policy decisions are informed, responsible, and aligned with the long-term sustainability of the community.

Planning staff recommend the LTC amend the proposed bylaws to temporarily remove housing provisions until the second phase of the review project (First Nations Engagement) is completed. This precautionary measure ensures that land-use decisions are based on comprehensive regional assessments rather than isolated property-level evaluations.

Planning staff are also highlighting the high value of the SLA for use by community members, agencies and First Nations and recommend that the project include working with Islands Trust staff to access the feasibility of incorporating other available datasets. Planning staff recommendations for draft

amendments to the proposed bylaws and project charter are outlined on page 1 of this report.

Proposed Changes to the Project Charter

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 retain major project status and \$5,000 has been requested for the 2025/26 fiscal to complete the review of Proposed Bylaws 176 and 177 as well as LTC consideration and implementation of First Nations engagement recommendations. The project charter in Attachment 4 reflects the updated approved budget allocation for the next fiscal as well as the draft amendments for LTC consideration of endorsement.

DRAFT KFN ENGAGEMENT SUMMARY – MARCH 2025

A preliminary summary of staff-to-staff engagement with the K'ómoks First Nation is provided in Attachment 7 for the LTC's receipt. No action is required on the draft summary at this time. Further refinements are expected in the spring and summer to incorporate environmental considerations, as the Nation has recently hired dedicated environmental staff to support the engagement process for Denman and Hornby Islands. KFN Chief and Council may wish to endorse a final version for LTC consideration. The next phase of the OCP/LUB review project will involve LTC consideration of KFN recommendations to determine which recommendations will be implemented through formal bylaw drafting for OCP and LUB amendments.

RATIONALE FOR RECOMMENDATIONS

The suitable land analysis for Hornby Island is based on a methodology utilizing existing mapping data and staff recommendations for weighted values. Referral comments from Island Health affirm a 2-hectare lot size per dwelling for future density calculations. However, pending input from the K'ómoks First Nation may influence the current approach to secondary suites and secondary dwellings.

Staff recommend that the LTC consider targeted amendments to Proposed Bylaws No. 176 and 177 to advance provisions for temporary use permits for vacation rentals and the allowance of chickens in residential zones. Given the anticipated feedback from KFN, staff also recommend deferring decisions on secondary suites and secondary dwellings to the next phase of engagement and subsequent bylaw drafting.

A summary of staff recommendations is provided on page 1 of this report.

ALTERNATIVES:

1. Amend the Project Charter and/or request staff to amend the Proposed Bylaws further.

The LTC can amend the Project Charter scope/objectives and/or further amend the Proposed Bylaws to ensure alignment with the LTC's intentions to update the OCP and LUB. If this alternative is selected, the suggested resolution would be:

"That the Hornby Island Local Trust Committee amend (insert Proposed Bylaw No. or Project Charter) by (insert specific amendments)"

2. Request a suitable land analysis using weighted values that differ from the equal weighting values presented in February 2025.

The LTC can request the Freshwater Specialist to conduct a suitable land analysis using alternative weighted values for LTC consideration based on community priorities or concerns. If this alternative is selected, the suggested resolution would be:

“That the Hornby Island Local Trust Committee request staff to provide alternative suitable land analysis scenarios using the following weighted values (specify values) and return the analysis to the LTC for consideration of next steps.”

Next Steps

If the LTC confirms the scope of endorsed amendments to Proposed Bylaws No. 176 (OCP) and 177 (LUB), staff will prepare the bylaws for consideration of second reading on May 16, 2025, alongside the anticipated referral response from the K’ómoks First Nation. A community information meeting and public hearing can be scheduled for early summer 2025.

The second phase of this major project (April 2025 – March 2026) will involve LTC review of the final engagement summary with KFN and the drafting of amending bylaws to implement any LTC-endorsed recommendations and re-evaluation of housing amendments.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	March 11, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 11, 2025

ATTACHMENTS

1. Table of Bylaw Referral Responses – March 2025
2. Island Health Referral - March 2025
3. Suitable Land Analysis Mapping for Hornby Island - February 2025
4. Project Charter v 2.4 (pending LTC endorsement)
5. Proposed Bylaw No. 176 (OCP) – first reading version
6. Proposed Bylaw No. 177 (LUB) – first reading version
7. K’ómoks First Nation DRAFT Engagement Summary – March 2025
8. *K’ómoks First Nation Referral Extension Request - PENDING*

ATTACHMENT 1 – SUMMARY OF REFERRAL RESPONSES

TABLE 1. SUMMARY OF REFERRAL RESPONSES RECEIVED AS OF MARCH 11, 2025 FOR PROPOSED BYLAW NOS. 176 (HO OCP) AND 177 (HO LUB)

Agency or First Nation	Referral Response Summary	Planning Staff Comments
K'omoks First Nation	<i>KFN staff have advised planning staff that their recently expanded referrals team is reviewing the bylaws with protection of the natural environment, cultural heritage resources, archaeological sites and freshwater as top priorities.</i>	<i>At the time of report writing, KFN staff are reviewing Suitable Land Analysis data and mapping for both Hornby and Denman Islands. KFN have indicated that they require additional time to discuss the referrals with Chief and Council and have requested an extension to late April 2025. Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report and consider KFN input at the May 16, 2025 meeting prior to second reading of the proposed bylaws.</i>
Island Health	<ul style="list-style-type: none"> ▪ <u>Keeping of Chickens on Residential Lots:</u> Island Health staff recommend more clear zoning regulations for the keeping of hens that protects public health. Maximum number of hens permitted on a lot should be explicitly stated. Consider setbacks of 30 metres to any well for any buildings/structures housing animals. ▪ <u>TUPs for Vacation Rentals:</u> Recommend occupancy limits for vacation rentals; Authorized Person sign off that all construction meets requirements of Sewerage System Regulation; water supplies servicing more than one dwelling on a lot required to obtain an operating permit. ▪ <u>Secondary Suites and Secondary Dwellings:</u> Recommend minimum lot size for secondary dwellings be 4ha and that suites be located wholly within or attached to principle residence and not be 	<i>IH staff have provided a written referral response (Attachment 2 March 21, 2025 staff report). Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report.</i>

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	<p>permitted to be detached. Define “attached” so that suite must be located under the same roofline as principle residence.</p> <ul style="list-style-type: none"> ▪ Recommend clarifying maximum residential density of the PUa zone for community housing. ▪ Recommend RVs not be permitted to be used as permanent dwellings. 	
Denman Local Trust Committee	Interests are unaffected.	No further action.
Hornby Island Advisory Planning Commission	<p>The APC has recommended several changes to the proposed bylaws. Below is a brief summary:</p> <ul style="list-style-type: none"> ▪ Permit secondary suites or additional dwelling units on all lots and limit size and tenure (residential only). ▪ Adopt new definition of secondary suite and term “short term rental” to align with provincial regulations. ▪ 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. ▪ Support vacation rental business licensing rather than TUP. ▪ Remove provisions for secondary suites from Shire, Syzygy and Downes Point properties. ▪ Consider capping number of vacation rentals. ▪ Re-consider time period for vacation rentals with community consultation. 	<p><i>The APC minute record and supporting rationale documentation in the January 2025 staff report package contain the comprehensive list of APC recommendations. Staff recommend the LTC proceed with requesting staff to draft amendments as per the recommendations in the March 21, 2025 staff report.</i></p>

Agency or First Nation	Referral Response Summary	Planning Staff Comments
	<ul style="list-style-type: none"> ▪ Supports allowing chickens on 1 ha or smaller lots and no roosters but recommends consultation with residents and property owners on rooster regulation. ▪ Out of scope planning recommendations for A1 zoned properties and aquifer vulnerability and designations. 	
Comox Valley Regional District	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 public correspondence and APC recommendations encouraging the business license approach to authorizing vacation rentals.</i>
Da'naxda'xw/Awaetlala First Nations Mamalikuulla First Nation Tlowitsis First Nation Tla'amin First Nation	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 to address First Nation concerns and interests.</i>

From: Clements, Nancy [ISLH] <Nancy.Clements@islandhealth.ca>
Sent: Friday, March 7, 2025 11:34 AM
To: Sonja Zupanec
Subject: Island Health comments

Hi Sonia,

Once again sorry for the delay and I hope this finds you with enough time for consideration. I am happy to discuss these items with you further if that would be beneficial.

Regards
Nancy

Keeping of chickens on any sized lot: As (Hornby) Island is not subject to an animal control bylaw with the (Comox Valley Regional District), the Local Trust Committee should establish more clear zoning regulations for the keeping of hens that protects public and animal health. The maximum number of hens permitted on a lot should be explicitly stated in the Land Use Bylaw and follow best management guidelines established by similar size rural communities such as Revelstoke, which permits a maximum of 6 hens per lot. Typically, the six chicken limit is applied in urban sized lots so that number is manageable on the smaller sized lots. The limited number is also in place to ensure that they don't become a nuisance to neighbouring properties. Another consideration is Section 8 of the Health Hazard Regulation which states "no well within 30 meters of probable source of contamination", which is at the discretion of the Environmental Health Officer as to what sources of contamination could be considered a "health hazards". Typically, when it comes to farm animals the focus is on the storage of waste/manure or where the animals are housed in regards to the 30 meter setback to a well.

Temporary Use Permits for vacation rentals:

- Sewerage:
 - Owners of properties using sewerage system must ensure that all construction of all sewerage systems meets the requirements of the Sewerage System Regulation (SSR). An owner would be required to obtain the services of an Authorized Person (AP), as per the SSR, to determine if construction is required on the existing sewerage system.
 - The SSR has a maximum Daily Design Flow (DDF) of 22, 700 L/Day.
- Water:
 - Owners of water supplies serving more than one single-family residence (see definition below) are required to obtain an operating permit as a water supplier under the Drinking Water Protection Act (DWPA). Landlords are required to provide potable water to tenants as per Health Hazards Regulations (HHR).

Minimum lot sizing considerations for proposed densification:

- Island Health refers to the Subdivision Standard as a tool for consideration around densification. This could be applied for the addition of additional dwelling units on a property to ensure that the site condition is adequate to support the increase water demand and waste water

flows as well as the potential impacts on neighbouring properties. There is no recommended minimum lot sizing for community/strata systems utilizing common property.

- There are significant ongoing concerns about the periods of drought and secondary impacts which for several of the gulf islands include seawater intrusion due to lower water tables and higher levels of demand. We encourage conversations with the Ministry of Water Land and Resource Stewardship to consider identifying areas/aquifers of higher risk for seawater intrusion and creating lower residential density bylaws to protect the aquifer from the intrusion and to protect the existing users of that water source as there are fewer alternative sources of water for many of the islands.

Density of the PUa Zone allowing Community Housing: The LTC does not stipulate a residential density in the proposed PUa zone changes. Island Health requires compliance with the Sewerage System Regulation (up to Daily Design Flow (DDF) of 22, 700 L/Day) and the Drinking Water Protection Act and Drinking Water Protection Regulation.

Attached Secondary Suites: Island Health encourages the Local Trust Committee to define ‘attached’ so that suite must be located under the same roofline of the principal residence.

Use of RVs as dwellings: Island Health notes that the current LUB allows the use of Recreational Vehicles as dwellings. Island Health encourages the Local Trust Committee to consider the human health implications of promoting RVs as a permanent dwelling option on any sized lot. Island Health is aware of the need for affordable housing, and this can take many different forms, but there are some concerns about encouraging the use of RV’s for residential use. The addition of an RV must also consider any requirements there might be under the Sewerage System Regulation and/or the Drinking Water Protection Act.

Excerpt from the BC Drinking Water Officers Guide page 10 speaking to what is considered a ‘single family dwelling’ under the DWPA

https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/how-drinking-water-is-protected-in-bc/drinking_water_officers_guide_-_consolidated.pdf

The term “single-family residence” is not defined in the Act. It may be interpreted as any residence that constitutes a single structure where:

- *bedrooms are rented out and tenant(s) share common spaces with the owner;*

- *the Residential Tenancy Act applies (see s. 5.3.1 of this Guide regarding applicability of the Health Hazards Regulation);*
- *the structure contains a secondary suite in addition to the primary suite;*
- *the residence is an owner-occupied bed and breakfast with up to three rooms for rent; or*
- *the residence is rented out as a vacation home.*

Duplexes/multiplexes and residences with additional detached structures such as guest houses, mobile homes and labourer accommodations would fall outside the term “single-family residence.” Shared interest properties (e.g., owned by a cooperative, society, corporation or strata) and bed and breakfasts with four or more rooms for rent would also fall outside the definition of “single-family residence.” Community care facilities would fall outside the term “single-family residence” as well.

However, this is subject to section 20 of the Community Care and Assisted Living Act, which states: (1) This section applies to a community care facility (a) for which a licence has been issued, (b) is being, or is

to be, used (i) as a day care for no more than 8 persons in care, or (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care (c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and (d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to the community care facility described in subsection (1) if that provision would (a) limit the number of persons in care who may be accepted or accommodated at the community care facility (b) limit the types of care that may be provided to persons in care at the community care facility, or (c) apply to the community care facility only because (i) it is not being used as a single family dwelling house, or (ii) it operates as a community care facility, a charitable enterprise or a commercial venture

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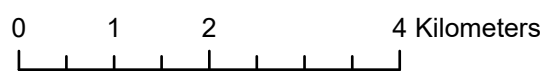
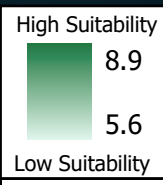


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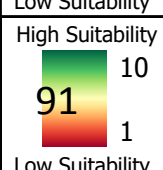
Hornby Island Suitable Land Analysis



-  Hornby Agricultural Land Reserve
-  Hornby Parcels
-  Hornby Roads
-  Hornby Well Locations



Hornby Island Suitable Land Analysis
Date created: 02-06-2025
Projection: UTM Zone 10
Cedar Shore Consulting 2025



Hornby Island Local Trust Committee

Pending Endorsement Date: Mar 21 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

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.

In Scope

- Updating OCP language, references to include First Nations and incorporate First Nations recommendations for policy and regulatory updates.
- Add the Islands Trust Reconciliation declaration to the OCP.
- Draft OCP and LUB Bylaw amendments:
 - Supporting cooperative and purpose built rental housing;
 - Supporting rezoning applications for ‘Large Lot Residential’ parcels to multi-family development for residential rental tenure;
 - Permitting secondary suites in all small lot zones within the principle dwelling where septic capacity allows and sufficient groundwater is available;
 - Permitting secondary suites or attached/detached secondary dwelling on lots over 2ha where septic capacity allows and sufficient groundwater is available;
 - Prohibiting vacation rentals as an outright permitted use in residential zones and requiring a valid Temporary Use Permit;
 - ~~Designating all small lots in the Galleon and Sandpiper area as within the heavily developed aquifer (IA).~~
 - Update PU(a) zone to include community housing and regulate maximum permitted density.
 - Explore option to exclude cisterns from all setback requirements.
 - Explore options to amend residential zoning to permit keeping of chickens for

Out of Scope

Public engagement beyond legislative requirements (one major community information meeting and one minor CIM immediately prior to the two anticipated public hearings).

Public engagement on weighted values of the suitable land analysis

Deliverables

- **2024/2025:** One OCP and one LUB amendment specific to updating regulations for housing, vacation rentals, chickens in residential zones and cisterns in setbacks;
- **2024:** Comprehensive First Nations Engagement Process
- **2025/2026:** First Nations Engagement Summary Report. One OCP and one LUB Amendment Bylaw specific to First Nations engagement recommendations;
- **PENDING:** Post Bylaw adoption community communication materials.

	personal/commercial use and prohibit keeping of roosters.		
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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>
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.	Spring 2024 – Spring 2025
<i>Housing and vacation rental draft bylaws presented to LTC for consideration of First Reading. - COMPLETED</i>	<i>Summer 2024</i>
Consider referral responses from First Nations, agencies, APC and community groups/public.	March 2025
Community Information Meeting - consider 2 nd Reading of housing and vacation rental bylaws.	Summer 2025
CIM/Public Hearing for housing-vacation rental bylaws.	Spring 2025
3 rd Reading and forward bylaws to Executive Committee and OCP to Ministry of Housing for approval.	Summer/Fall 2025
Adoption of housing and -vacation rental bylaw amendments.	Fall 2025
Staff to present first draft First Nations KFN Engagement Summary Report to LTC for consideration of comprehensive amendments to OCP and LUB receipt.	March 2025
Draft amending OCP and LUB bylaws and commence legislative review process (bylaw readings and adoption) deriving from LTC endorsement of <u>FINAL</u> First Nations engagement recommendations.	Fall 2025-Winter 2025

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
RPM Approval: Renee Jamurat, RPM June 2023; September 2023; April 2024	LTC Endorsement: Resolution #: 10-Jun-22; 9-Sept-22; Jun 16-23; Sep 8-23; April 26-24

Budget		
Budget Sources: TC Line Item Budget allocation		
2022/23	Consultant Contract	\$13,450 SPENT
2022/23	Minute-Taker	\$600 SPENT
2023/24	K'omoks First Nation Engagement/Capacity Funding	\$12,000 SPENT
2024/25	K'omoks First Nation Engagement Capacity Funding	\$25,000 SPENT
2025/26	1. Public Hearing for OCP and LUB regarding housing-vacation rentals 2. Legal review, Public	\$5,000 project budget

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	Hearing for OCP and LUB changes incorporating First Nations recommendations <u>and housing</u>	
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PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 176

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

Chair

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”.

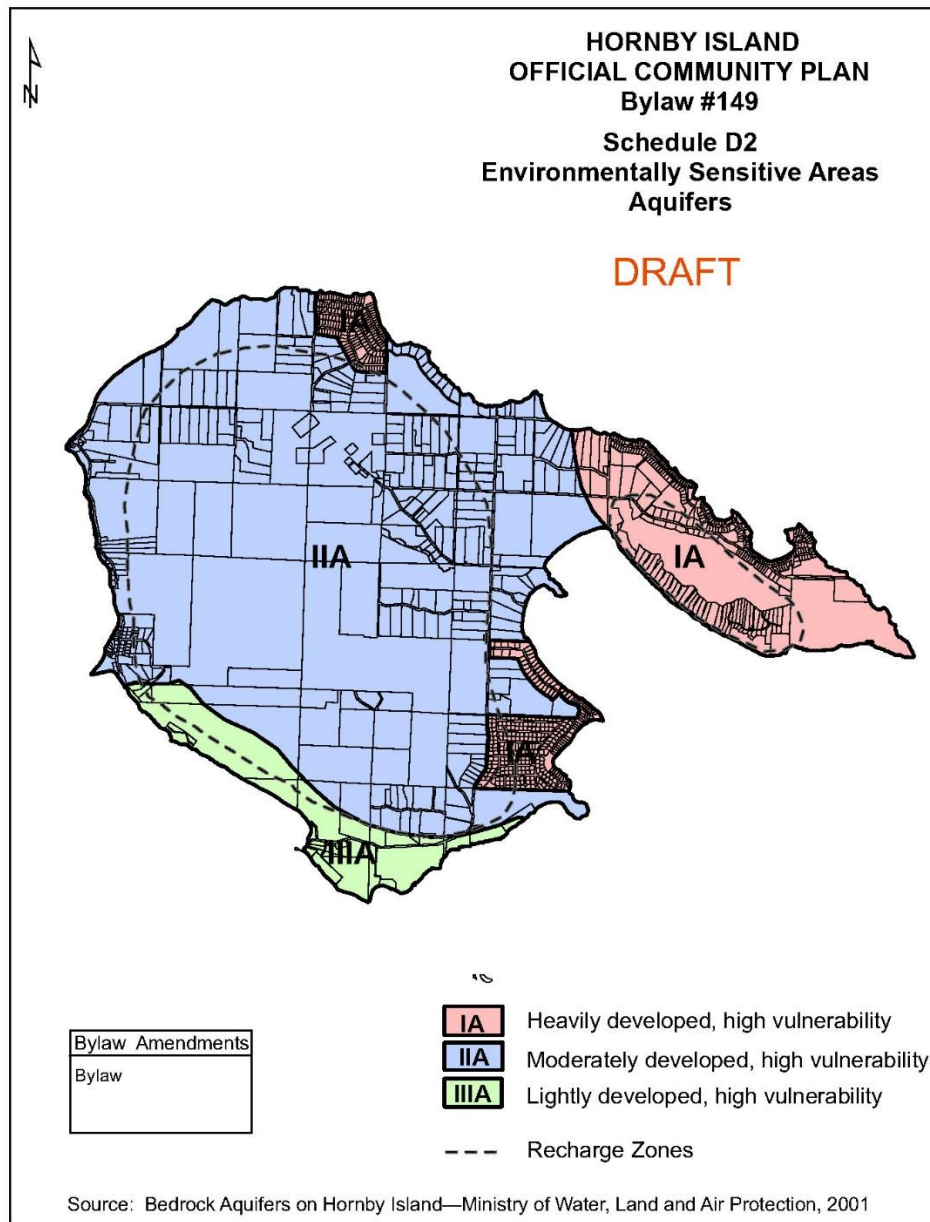
- 1.9 **Section VI – OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE**, Subsection **6.3 Residential**, article **6.3.3 Rural Residential, Objectives**, be amended by adding a new objective after (4) which reads: “(5) to support multi-dwelling residential rental tenure development in the Large Lot Residential 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

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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 Island and K’omoks First Nation Engagement Summary – March 2025 DRAFT



The following table has been prepared by Islands Trust (IT) planning staff in collaboration with K’omoks First Nations (KFN) technical staff. This table summarizes KFN’s recommendations for the Denman and Hornby Island OCP/LUB Review Projects. These recommendations reflect insights gained through several meetings and discussions between IT planning staff and staff from the KFN between 2024 and March 2025. **The primary focus of these engagements has been to identify and prioritize land use planning tools that align with KFN protocols and values to protect threatened cultural heritage sites from further development and land alterations on both Denman and Hornby Islands. KFN has identified specific priorities to guide the Local Trust Committees (LTC) in implementing these recommendations in a manner that supports reconciliation within scope, honours KFN’s inherent rights and upholds respect for their cultural heritage and land protocols.**

Recommended actions have been categorized below as high, medium or low priorities for the Hornby Island Local Trust Committee’s (LTC) consideration of implementation for land use planning. These priorities reflect the shared goal of implementing effective land use planning measures that align with KFN protocols and values. Action items are being recommended for LTC implementation to protect cultural heritage and support reconciliation efforts on both islands.

PRIORITY RATING (High, Med, Low)	K’omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	A. Clearly articulate the land use planning function the LTCs conduct within KFN territory and how it respects the KFN values and their inherent rights as Indigenous People who have sustained connections to Denman and Hornby Islands.	<ol style="list-style-type: none"> 1. Update OCP and LUB with appropriate land acknowledgment at the beginning of each bylaw. 2. Update OCP with appropriate overview and context of the significance of KFN ancestral village sites and cemeteries on Hornby Island and occupation of the island up until present day. Explicitly recognize the impacts of existing patterns of settlement, protected areas and residential development on First Nations rights and title. 3. Update OCP with appropriate context to characterize the reality that despite provincial protections that have been in place since 1994 (Heritage Conservation Act) cultural heritage on the island has been adversely impacted by development and land alterations; many which have occurred without provincial permits, authorizations, investigations or consultation with First Nations. 4. Update OCP with specific LTC commitments to reconciliation as the overarching framework for all policy guidance. Explicitly characterize LTCs jurisdiction and authority in land use planning and commitment to assist First Nations in protecting cultural heritage through implementation of progressive land use planning policies and regulations. 	<p><i>Important to see a stated commitment from local government to reconciliation that prioritizes nation members to re-connect to the land and marine waters of Denman and Hornby Islands.</i></p> <p><i>Two core principles underlying KFN’s teachings includes 1) ancestors have to be cared for, including maintain the integrity of burial places and remains of past actions; 2) ancestors will look out for you, including personal health of individuals and enhancing knowledge of how ancestors took care of the land and waters in the territory. These principles guide KFN’s management of cultural heritage. By applying these teachings to KFN’s cultural heritage, the nation works with newcomers to ensure that cultural heritage sites and objects are treated respectfully, that investigation of KFN cultural heritage advances the knowledge of history and supports revival of KFN culture. This must be adequately represented in land use planning documents within the territory.</i></p> <p><i>(KFN Guardians and the Chief and Council may add additional text here)</i></p>

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	<p>B. Address KFN's need for cooperation from local governments regarding protection of Archaeological and Cultural Heritage Resources on Denman and Hornby Islands.</p>	<ol style="list-style-type: none"> 1. Explore implementation of shoreline Development Permit Area (DPA – see D3 below) or Heritage Conservation Area (HCA) to be applied island wide or up to 200 m from the setback of the natural boundary of the sea. Inform the DPA or HCA with prescriptive guidelines for low impact foundations, low impact septic tanks and fields, low impact landscaping and low impact access roads/driveways/parking areas. 2. Use a Development Approval Information Bylaw (DAI) to require a Preliminary Field Reconnaissance (PFR), Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA) (or all three for complex sites) for rezoning applications where increase in density or intensity of uses is being proposed on the islands. Coordinate with the KFN CHIP process requirements and explore archaeological monitoring requirements as a condition of permits/zoning. 3. Use a Development Approval Information Bylaw (DAI) to require a biophysical inventory for rezoning applications where increase in density or intensity of uses is being proposed anywhere on the islands, to identify forest characteristics, sites of highest biodiversity, species at risk. Ensure information sharing with the Nation to build on datasets and enhance quality of the referrals. 4. Explore policy options requiring that all developments within KFN Cultural Heritage sites comply with the CHIP as a condition of any SUP, DVP, DP or Rezoning application OR implement alternative means of protection through building inspection services, special zoning, conservation areas, restrictive covenants. 	<p><i>Improve development approval processes to ensure no further harm or degradation to archaeological sites and cultural heritage resources. Minimizing or eliminating impacts to ALL archaeological sites is KFN's preference as per the Cultural Heritage Policy.</i></p> <p><i>200m buffer within all shorelines is the highest priority for protection, investigation and field assessment. KFN Cultural Heritage Policy requires that a community archaeologist, field technician, or cultural advisor play a part in all aspects of archaeological and heritage investigations - from permit review, permit issuance, field work, laboratory analysis, reporting and report review.</i></p> <p><i>Rising sea levels and intensification of coastal development means archaeological sites and cultural heritage may be inundated/destroyed. This is the most sensitive region of the islands for protection.</i></p> <p><i>Proposed Development Permit Areas or Heritage Conservation Areas should be 200m from the shoreline or be island wide.</i></p> <p><i>Address the four most severely impacted and threatened archaeological sites on Denman and Hornby Islands with proactive land use planning tools.</i></p>

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Hornby Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	C. Address KFN's priorities to protect shorelines, watercourses, shorelines, streams, intact ecosystems and biodiversity on the islands.	<ol style="list-style-type: none"> 1. Maintain <u>island wide</u> Development Permit Area (DPA) for streams, watercourses. 2. Consider island wide DPA for protection of biodiversity that would be triggered by any land alterations or new construction. 	<p><i>200 metre buffer along shorelines and watercourses are most sensitive for ecosystems, diversity of species for foraging. Forest ecosystems and prairie oak meadows at high risk alteration. Place high emphasis on land use protection tools for these areas.</i></p> <p><i>Ensure all shoreline development implement green shores principles and strategies to protect biodiversity.</i></p> <p><i>(Guardians and the Chief and Council may add additional text here)</i></p>

REFERENCES:

[KFN Cultural Heritage Policy](#) (2010)

[KFN Land Code \(2016\)](#)

[KFN Treaty Ratification \(2024\)](#)

UNDRIP Articles 31 and 32

Mitigating Impacts to KFN Cultural Heritage on Denman and Hornby islands (2024)