

March 10, 2023

To Tim Peterson, Alex Allen, Grant Scott

I am writing to you as a current member of the Hornby Island Advisory Planning Commission. I am not writing as a representative of the APC.

I was appointed when Karen Ross and Jeff Samluck resigned in 2018. One of our first referrals was to review the OCP language and related bylaws on Short Term Rentals. This referral was connected to the local trustees' consideration of enacting Bylaw Enforcement Notices. We reviewed the bylaws, found them to be reasonable and enforceable with two exceptions and made our recommendation to the local trust committee.

In 2021, we were given a referral to do with the absence of reference to Indigenous presence on Hornby Island. As we undertook this work, we received two more referrals; to review the OCP language and relevant bylaws around Short Term Rentals and Density/Housing to make recommendations about addressing the housing crisis on Hornby Island. We were advised to consider STR and Housing together.

As we undertook this work, we were advised by IT planners that no planner would be available to assist us. We were advised that while we could seek some limited support from planners, they were not able to provide the kind of formal, legislative support we had when we reviewed the STR bylaws the previous year.

We reviewed the OCP and made many recommendations for language inclusion. We were advised by Lisa Wilcox, former senior advisor on indigenous relations at Islands Trust that we were to "do our work" first and then the local trustees would initiate communications with the K'omoks First Nation and possibly other Nations around our proposed changes.

We turned our attention to the referrals on STR and Housing. Representatives from the Housing Society, HISTRA, and HICEEC were invited to attend all our meetings, with voice but no vote. These representatives participated as if they were members of the APC. We completed a set of recommendations, using the consensus model, and these were sent to the local trust committee in April 2022. We understood a successful business case would provide the LTC with planners who would take our recommendations, provide a public information meeting about our recommendations, cast the recommendations into OCP and bylaw language, and guide the documents through the legislative process, which included several opportunities for public input.

Imagine my surprise, then, to hear Donna Tuele, who identified herself as a member of HISTRA and HICEEC boards, at the townhall portion of the local trust committee meeting of May 6, 2022, describe the APC as biased against short term rentals. She spoke as if our recommendations only had to do with STR; she did not once mention our related recommendations to do with re-zoning, density, and varieties of housing options.

She provided a history of short term rental bylaws, as if defending the presence of STR on Hornby Island. She spoke as if we had recommended the elimination of STR on Hornby Island, and while doing so twice accused the APC of bias. As you know, the accusation of bias is one of two legal charges that can be made against members of the APC. Her criticism of the recommendations focused on our lack of

community consultation and the lack of diversity on the APC. In her list of those who were not represented, she overlooked two members who are “multi-generational families”, one who is insecurely housed, and all long-time residents.

This misunderstanding of our terms of reference and mandate – we were not directed to consult with the community before making our recommendations – and the misunderstanding of the explicit intention of the recommendations – nowhere in the document can be found any evidence to support the commonly stated belief that the APC is recommending revoking STR as permitted use – persists. Persists in spite of the (few) opportunities I and other members of the APC have had to counter the misunderstanding and provide copies of the document, publicly available since May 2022.

Letters written by HISTRA board to their members continued this narrative. After a meeting of HISTRA board with its members, I had three phone calls and two email from concerned STR operators – who happen to be friends – and their questions to me made it clear they had not seen the recommendations but rather heard a version of what we recommended that seemed to be very much along the lines of Tuele’s comments to you at the May 6 meeting. Facebook posts to the ringside merchants warned them of the impact on their livelihood if the recommendations were accepted. Social media was filled with complaints of how the local trustees were trying to end STR as a permitted use. HISTRA sent a letter to you on March 2 that continues the narrative of contesting the impending banning of STR.

At two public meetings facilitated by the consultants, the opening comments from Patricia Maloney seemed to continue this misunderstanding. Many speakers spoke from this misunderstanding. While I have not seen the email correspondence that has taken up much of the consultants’ time and our tax dollars, I imagine many arise from the mistaken belief the local trustees are considering banning STR on Hornby Island.

The actual document, with the actual recommendations, has never been discussed. The first and only opportunity the APC had to discuss our recommendations occurred months into the work of the consultants: February 21, 2023.

As you know, not one of our recommendations is directed toward eliminating STR on Hornby Island. We learned, through our research, review of other communities’ bylaws, and our own deliberation that many of the recommendations on re-zoning to increase opportunities for housing on Hornby Island could only be implemented if STR could be regulated, counted, and licensed. As long as STR are a permitted use, they cannot be restricted during re-zoning.

The two referrals have to be read together, as I have said whenever I have a chance to correct the misunderstanding that began in May 2022. The recommendations are rarely referred to – in the most recent public meeting on STR, the facilitators did not once make reference to our recommendations but rather proceeded from the misunderstanding that “we” are trying to ban STR from Hornby Island.

As a 24-year member of this community, a land-owner, a woman living on limited income whose sons and grandchildren either live on this Island or visit and participate in the community frequently, as a volunteer whose personal ethic is service to her community, I am discouraged by the constant misinterpretation of the work we did– a group of diverse, hard-working, well-intentioned people who accepted the task of trying to make Hornby Island a livable community for ALL who wish to live here.

I am disappointed in the way the misunderstanding of our document has been fostered. Much time, energy and has been poured into resisting an imaginary document and very little time and energy has been put into what was actually recommended.

I ask you to re-direct the community conversation to what was recommended and consider STR and Housing as inextricably bound.

Wendy Burton

