

From: Anthony Law [REDACTED]
Sent: Sunday, August 27, 2023 12:38 PM
To: northinfo; Sonja Zupanec; Renee Jamurat; Alex Allen; Timothy Peterson; Grant Scott
Subject: To Hornby LTC - Housing; Community Services Area (Public Use Zone)
Attachments: Housing and Land Use Planning on Hornby Island REVISED- Tony Law, 27 August 2023.pdf; Community Services Area, Hornby Island.pdf

To; Hornby Island Local Trust Committee

Rather than take up meeting time as a delegate at the LTC's September 2023 meeting, I am instead submitting this email and attachments as correspondence, which I hope will be given as much attention as if I was a delegate.

1) Housing and Land Use Planning

Attached is a paper proposing a comprehensive approach to land use planning for housing on Hornby Island (slightly revised).
I hope it is useful.

2) Community Services Area (*map attached*) (Public Use Zone)

- a) At the end of this message is the text* of two previous messages pointing out an error in the "Public Use Zone" regulations in the Land Use Bylaw. As you are no doubt aware, HICEEC is developing a proposal for community consideration for housing in the public use zone. This error will need to be corrected in order for this to be a permitted use in the portion of the zone south-west of Central Road.
- b) It is my understanding that the type of housing HICEEC is considering is a managed facility where tiny homes and other movable units can be located. This type of housing is not identified

in OCP policies nor in the LUB definition of "community housing". Both would need to be amended to permit this use.

c) If there is community support for this proposal, implementation would require obtaining a site on Crown land. OCP policy 6.2.15 states:

"The responsible provincial Ministry(ies) is requested to:

a) only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan;

b) consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area.

This policy was put in place to ensure that applications by one particular entity for the use of Crown land would not be considered without also considering the availability of land for possible future necessary community uses.

The availability of land is limited:

- land to the north-east of Central Road is either already occupied by community organizations or identified as settlement land in treaty negotiations with K'omoks FN:

- leaving only land to the south-west of Central Road (held by the Crown, some of it within the Beulah Creek watershed) available for future community uses. - including community housing, community trades and services and other proposals that might arise (such as the current one for a microwave tower.).

A master plan has not yet been developed.

It certainly makes sense to prepare one.

This could be as simple as identifying a general area for community housing and a general area for community trades and services.

My own thinking is that housing could be located north of the recycling depot (next to adjacent residential zones), and that trades and services could be located between the recycling centre and the highways yard, (which are both light industrial-type uses.).

I believe such a plan should be prepared immediately in conjunction with the necessary amendments to the OCP and LUB mentioned in a) and b) above, so that the HICEEC proposal, if supported by the community, can move forward without undue delay.

However, if the LTC has no intention of implementing policy 6.2.15, it should probably be deleted from the OCP.

I hope this is helpful.

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****Text of previous messages:***

To: Hornby LTC re. Public Use zoning area

Inbox

Search for all messages with label Inbox

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Anthony Law

Jan 6, 2022,
3:51 PM

to northinfo, aallen, Islands, Wendy, ronandesign, Sue

To: Hornby Island Local Trust Committee

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee and also in an email sent to trustees and staff on May 28, 2019 (*below*), I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150.

What is being done to address this?

The error is that the site specific regulations for Sub-zone PU(a) incorrectly state:

Despite 8.21(1), the only permitted uses are:

- (a) Cemetery;***
- (b) Public utility storage yard;***
- (c) Highways maintenance yard; and***
- (d) Recycling depot.***

The previous Land Use Bylaw #86, correctly stated for this sub-zone:

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

- 9.12.8.1 Highways maintenance yard;***
- 9.12.8.2 Recycling depot;***
- 9.12.8.3 Public utility storage yard;***

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

There was never any decision made to change what were *additional* permitted uses for this sub-zone into the *only* permitted uses.

This unintended change is an error that should have been corrected by now.

It renders the "community trades and services" uses in the Hornby Spark building as non-permitted uses and precludes any "community housing" projects from happening in the portion of the Public Use zone that is south of Central Road.

Bylaw 134 had specifically amended the permitted uses for the Public Use zone in Bylaw #86 to include "community housing" because of a potential project south of Central Road.

When will this error be corrected?

Thank you.

From: "Tony Law" 

To: "Alex Allen" <aallen@islandstrust.bc.ca>

Cc: gscott@islandstrust.bc.ca; "northinfo@islandstrust.bc.ca"
<northinfo@islandstrust.bc.ca>

Sent: 2019-05-28 9:44:54 AM

Subject: Public use area - zoning error

Hi Alex:

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee I brought attention to an error in the current Land Use Bylaw which means that, if unchanged, Hornby Island Spark's intended use of the old fire hall which they purchased yesterday is not permitted.

Here is an extract from the minutes of that meeting:

14.3 Public Utility PU(a) Zone in Land Use Bylaw - for discussion

A Trustee reported that an error has been discovered in the Land Use Bylaw zone PU(a) Site Specific Regulations that requires a correcting amendment. Timing and options for moving forward with the correction were considered to be dependent on whether this may impact the Comox Valley Regional District's ability to acquire the Old Fire Hall.

*HO-2018-008 It was MOVED and SECONDED, that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw.
CARRIED*

Attached is the previous Hornby Island Land Use Bylaw and zoning map.

Here are links to the current Bylaw and map:

Hornby Island Land Use Bylaw #150

<http://www.islandstrust.bc.ca/media/346211/hobl-150-lub-consmar2018.pdf>

- zoning map:

<http://www.islandstrust.bc.ca/media/341894/hobl-150-lub-map-schedule-b-bl-153-cons.pdf>

I have extracted the sections on the Public Use zone from both bylaws below.

As you will see, *Bylaw 86* designates a subzone within the *Public Use Zone* on the south side of Central Road which specifies the following additional permitted uses for this subzone only:

- Highways maintenance yard;
- Recycling depot;
- Public utility storage yard;
- Cemetery; and
- Community trades and services, including associated retail.

However, *Bylaw 150* also designates the same subzone but specifies that the only permitted uses are:

- (a) Cemetery;
- (b) Public utility storage yard;
- (c) Highways maintenance yard; and
- (d) Recycling depot.

I have no idea how this change came about and cannot recall it being addressed by staff, the LTC or the APC.

I believe *Bylaw 86* correctly addresses what was intended for this subzone which had been identified as an area that could potentially include such uses specified for the whole zone such as community housing on the old Lion's Club land, a community trades and services centre on the land previously identified for light industrial uses and a hostel or community trades and services in the old fire hall.

In particular, *Bylaw 150* does not permit "community trades and services" in this subzone (which includes the old fire hall purchased by Spark for this purpose) whereas

that use was specifically identified as one to be conducted on the land south of Central Road.

Extract from Bylaw 86

9.12 PUBLIC USE (PU) ZONE

The purpose of the Public Use Zone is to provide regulations for a range of institutional, public service and community uses for the benefit of the resident population and visitors to Hornby Islands.

PERMITTED USES

9.12.1 In the Public Use (PU) Zone, the following uses are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

9.12.1.1 Community facility;

9.12.1.2 School;

9.12.1.3 Health clinic;

9.12.1.4 Elder's activity centre;

9.12.1.5 Office of a non-profit society;

9.12.1.6 Government office;

9.12.1.7 Museum;

9.12.1.8 Library;

9.12.1.9 Police station;

9.12.1.10 Public recreation facility;

9.12.1.11 Accessory uses including accessory residential, accessory retail and accessory food services;

9.12.1.12 Farmers market;

9.12.1.13 Theatre;

9.12.1.14 Art gallery;

9.12.1.15 Fire hall;

9.12.1.16 Community housing;

9.12.1.17 Community radio station;

9.12.1.18 Hostel;

9.12.1.19 Supported living facility;

9.12.1.20 Community wash house facility

- 9.12.1.21 Community garden; and
- 9.12.1.22 Child care facility

PERMITTED BUILDINGS, STRUCTURES, AND DENSITY 9.12.2 In the Public Use (PU) Zone, the following buildings, structures, and density are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

9.12.2.1 A maximum of 5 community housing units per hectare to a maximum of 20 per lot;

9.12.2.2 A maximum of one accessory residential dwelling units with a maximum floor area of 200 square metres (2,152 square feet) is permitted per lot; and 9.12.2.3 Accessory buildings and structures. 9.12.3 In the Public Use (PU) Zone, the maximum lot coverage is 10%, of any lot having an area of 1.0 hectares (2.5 acres) or more; or 15% of any lot having an area less than 1.0 hectares (2.5 acres).

MINIMUM SETBACKS

9.12.4 In the Public Use (PU) Zone, the minimum setback for any building or structure, except for a water storage tank, fence or pump/utility shed is at least 8 m (26.2 ft) from a front, rear or side lot line

9.12.5 Despite Subsection 9.12.4, the minimum setback is 60 metres from the north boundary of the remainder of the NW ¼ of Section 11, Hornby Island, Nanaimo District and the north and west boundaries of the NE¼ of the NE ¼ of Section 12, Hornby Island, Nanaimo District.

MINIMUM AND AVERAGE LOT SIZE

9.12.6 In the Public Use (PU) Zone, no lot having an area less than 1.0 hectare (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 1 ha (2.5 acres).

SCREENING REGULATIONS

9.12.7 In the Public Use (PU) Zone, outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

9.12.8.1 Highways maintenance yard;

9.12.8.2 Recycling depot;

9.12.8.3 Public utility storage yard;

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

SITE SPECIFIC ZONING VARIATION - PU(b)

The purpose of the Public Use (b) Zone is to allow for automated electrical stations. 9.12.9 Despite Subsection 9.12.1 the only permitted use in the PU(b) zone is an electric substation.

Extract from Bylaw 150

8.21 Public Use (PU) Zone

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:

(a) fire hall

(b) office of a non-profit society;

(c) community facility;

(d) public use facility;

(e) community trades and services;

-
- (f) art galleries;*
 - (g) theatre;*
 - (h) police station;*
 - (i) health clinic;*
 - (j) museum;*
 - (k) school;*
 - (l) public recreation facility;*
 - (m) library;*
 - (n) farmer's market;*
 - (o) recycling depot;*
 - (p) accessory uses including accessory residential;*
 - (q) radio station;*
 - (r) community housing;*
 - (s) hostel; and*
 - (t) cemetery.*

Permitted Buildings, Structures and Density

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

- (a) buildings and structure for the principal permitted uses;*

(b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; and

(c) accessory buildings and structures.

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare. Siting and Size Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 64

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 8.0 metres from a front lot line;

(b) 8.0 metres from a rear lot line;

(c) 8.0 metres from an interior side lot line; and

(d) 8.0 metres from an exterior side lot line.

(5) The floor area of an accessory residential dwelling unit must not exceed 150 m² .

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m² .

Conditions of Use

(7) In this zone the sale of alcoholic beverages in a public recreation facility building shall be limited to "Special Occasion" liquor licences only.

Subdivision Lot Area Requirements (8) The minimum lot area is 1.0 hectare.

Site-Specific Regulations

(9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply.










In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the specific regulations that apply:

<i>Site-Specific Zone Site</i>	<i>Specific Regulations</i>
<i>PU(a)</i>	<i>Despite 8.21(1), the only permitted uses are:</i> <ul style="list-style-type: none"><i>(a) Cemetery;</i><i>(b) Public utility storage yard;</i><i>(c) Highways maintenance yard; and</i><i>(d) Recycling depot.</i>









I hope this is helpful.

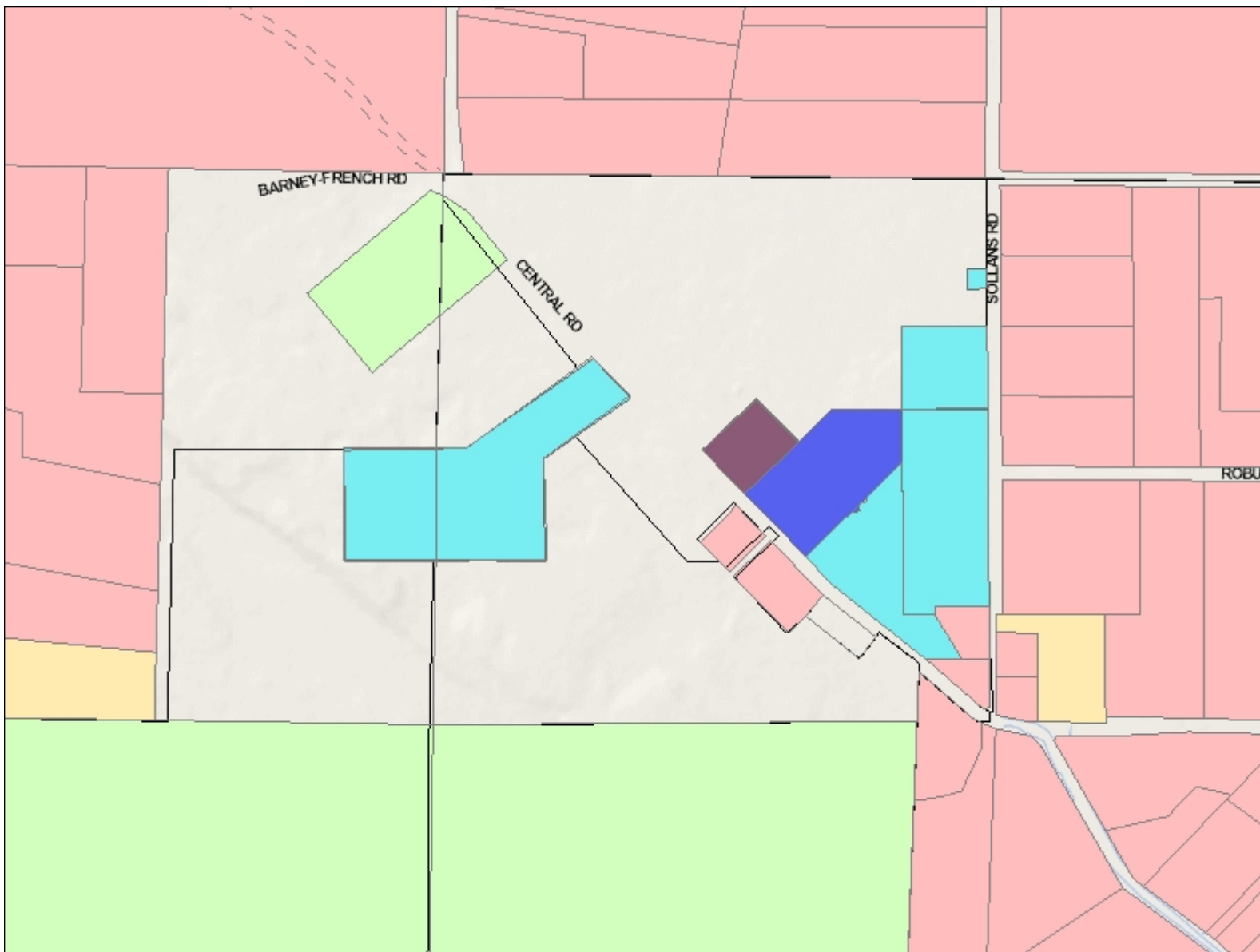
Tony

Crown Tenures

-  CROWN GRANT
-  INCLUSION
-  INVENTORY
-  LEASE
-  LICENCE
-  PERMISSION
-  PERMIT
-  RIGHT-OF-WAY
-  TRANSFER OF ADMINISTRATIVE CONTROL

Land Owner Status

-  CROWN AGENCY
-  CROWN PROVINCIAL
-  FEDERAL
-  FIRST NATION
-  MIXED OWNERSHIP
-  MUNICIPAL
-  NONE; UNKNOWN
-  PRIVATE



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1:9,028

July 18, 2023

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

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Housing and Land Use Planning on Hornby Island

prepared by Tony Law, 27 August 2023

Introduction

This paper proposes a comprehensive approach to land use planning for housing on Hornby Island with 30 recommendations for enabling:

Community housing: affordable ownership, low cost rental, movable home facility
Social housing: seniors', supported living, emergency, hostel
Land sharing: co-operative, co-housing, land trust; clustered or attached housing
Multi-family housing: involving a mix of ownership housing and residential rental tenures
Secondary suites: in all residential zones and the agricultural zone
Accessory dwelling units: attached or detached, for residential rental tenures
Density bonuses or transfer: in exchange for enabling housing

These recommendations have been arrived at after:

- examining on-going local housing needs,
- reviewing the multiple initiatives to address these needs over the past quarter century,
- analyzing why the existing policy framework has not generated hoped-for results,
- considering the particular context of Hornby Island, and
- examining how available regulatory tools can best be used.

While addressing the housing crisis on Hornby Island is a priority, responses must take into account other priorities, including protecting the Island's water resources, ecosystems and rural character.

However, the accountability required to address these and other values should not be so burdensome that it discourages applications and thus fosters the continuation of non-permitted housing solutions.

The non-permitted solutions that people are finding provide an indication of what works for some. Other potential solutions are needed to address a variety of situations. Hence the need for a comprehensive approach in land use planning to enable a range of opportunities as they arise.

While this approach might seem to open the door to multiple residential developments, land use planning cannot create housing; it can only enable it. The reality is that creating housing is hard to achieve. For community or group initiatives: projects require land, money and organizational capacity. For landowners: making affordable housing available is not a financially rewarding proposition and thus involves a degree of altruism. As experience has shown, large scale up take is unlikely.

The paper begins by recounting the evolution of housing and land use planning on Hornby Island – first as the demand for housing built up, and then as it lead to a crisis of affordability and accessibility.

The experience gained from previous community and land use planning initiatives can inform what needs to be done differently in a refreshed approach.

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Since time immemorial..

Hornby Island is on the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land since time immemorial. For thousands of years, the Island was a place for harvesting, gathering and mostly seasonal occupancy by indigenous people who have left little impact upon the land. From the 1860s on, settlers have been arriving, clearing land and building houses.

PART A – The Building Demand for Housing

1960s – From Resources to Resort

“The islands are too important to the people of Canada to be left open to exploitation by real-estate developers and speculators.” - Select Standing Committee on Municipal Affairs, 1973

There was no land use planning for Hornby Island until the Regional District of Comox-Strathcona Regional District (created and given land use planning authority in 1965), turned its attention to Hornby in the 1970s.

In the 1950s, the arrival of ferry service, BC Hydro and the Co-op store had made the Island more attractive for settling – and also visiting.

In the 1960s, Hornby Island had morphed from a focus on resources (farming, fishing and forestry) to becoming a resort. Three summer resorts provided accommodation for 125 people and three campgrounds provided a total of 90 campsites. By the end of the 1960s, summer visitors outnumbered the resident population of about 150 people.

In response to this new interest in the Island, land that was mostly held in large parcels started to be subdivided into small lots and marketed to visitors for recreational use.

Between 1959 and 1971, 736 small vacation lots were created – mostly in the Galleon Beach, Sandpiper and Whaling Station Bay / Anderson Drive areas.

These small lots were not provided with water or sewage services; the developers claimed that customers did not plan to use the lots other than for short term camping or cottage use.

In 1971, alarmed by the potential impacts of rampant subdivision, the provincial government enforced a freeze on any further subdivisions that would create lots smaller than 10 acres in the Gulf Islands.

A pattern had been established, that would continue for the next half-century, of Hornby Island being both a residential community and a summer resort destination, with dwellings being used roughly 50/50 between residents of the Island and residents from elsewhere.

1970s – Land Use Planning Begins

“Permitted residential densities will permit several times the amount of development than foreseeably expected” - Hornby Island Planning Study, 1971

Before the Islands Trust was created in 1974 (and then given land use planning authority in 1978) the pattern for residential development on Hornby Island had already been established by the small lot subdivisions, by the 10 acre freeze, and by the creation of the ALR.

In 1973, the provincial government created the Agricultural Land Reserve. This resulted in the Agricultural Land Commission having authority to limit subdivision and residential use of the 28% of land on Hornby Island included in the reserve.

In 1971, the Comox-Strathcona Regional District completed a **Hornby Island Planning Study**.

Some key facts from this study:

There were:

- 150 permanent residents
- 125 houses (half on small lots; half on larger lots; 40% only used seasonally)
- 736 lots of less than 2 acres (covering 470 acres); 196 had been sold; 90% owned by non-residents
- 82 lots larger than 2 acres, two thirds over 100 acres (covering 4,840 acres); 50% owned by locals

Water supply was the foremost issue for islanders. Half of lot owners had, or anticipated, problems with water.

20% of residents thought that Hornby Island would be a better place to live with more people and development.

The 1971 study stated that permitted residential densities “would permit several times the amount of development than foreseeably expected”.

In 1976, the first **Official Community Plan for Hornby Island** was adopted by Comox-Strathcona Regional District, after it had been drafted by an Advisory Planning Commission guided by the 1971 study.

Goals included preserving “a rural community and atmosphere”, with a land use pattern which gave “high priority to environmental and social factors”, recognizing “that the Island is first an existing community of people, and the welfare of those people and those who join them must always be of primary concern”.

Key elements of the OCP:

- no further small lot subdivision;
- average of one lot per 10 acres for rural residential land;
- no lot under 2 acres should be used for a cottage in addition to a main residence;
- water should be provided for each lot subdivided in future;
- a hydrology study should be carried out as soon as possible.
- no to Crown leases for residential or other purposes (to preserve the water catchment area);
- no to provincial parks (insufficient water resources, fire protection, or community facilities;
- ferry size, capacity and number of runs should not be increased;
- community services should be clustered around the community hall.

The Plan encouraged “acceptable alternative modes of sewage disposal”, “water catchment, “shared wells” and “cluster housing” (two or more concentrated dwellings utilizing a community water system and surrounded by open space).

The OCP stated that “special consideration should be given for senior citizens’ housing”.

1980s – Growth

“Hornby Island is a rural community relatively close to a rapidly expanding urban area. It is fragile, beautiful and very much in demand by a wide spectrum of people for a great variety of reasons.”

- Hornby Island Official Community Plan, 1976 (Comox-Strathcona Regional District).

Since the Islands Trust was created, the already-established pattern of residential development has enabled the year-round population of Hornby Island to triple (1976: 420; 2021: 1,225), while the population of BC as a whole has doubled. The number of houses on the Island has also tripled (1976: 371; 2001: 1,117).

During the 1970s and 1980s, despite a rapidly growing population, housing had not emerged as an issue that called for planning attention.

- Land was affordable to new residents – either through purchasing a small lot that had originally been intended only for seasonal occupancy, or through sharing a large lot where two dwellings were permitted. At the same time, properties were being purchased by non-residents for seasonal recreational use and/or future retirement.

- Dwellings were being built by, or for, residents – often incrementally, and often using local lumber (including beach logs) and recycled material. Many becoming family-sized homes where children were raised. Dwellings were also being built specifically for non-residential use – some were architect-designed houses; most were cabins suitable only for seasonal occupation.

In 1981, following the establishment of an Advisory Planning Commission in 1978, the Hornby Island Local Trust Committee adopted the **Hornby Island Zoning Bylaw (Bylaw 9)** which created three main zones where residential use was permitted:

- **Rural zone** (including the small lot subdivisions)

One dwelling for each 4 hectares of lot area*

- **Agriculture zone**

One dwelling*

One additional dwelling on lots exceeding 16 hectares (subject to ALC approval)

- **Upland zone** (Mount Geoffrey Area)

One dwelling*

One additional dwelling per 16 hectares of lot size exceeding 16 hectares

* plus one guest cabin for “the seasonal lodging of guests” per lot over 3.5 hectares (size limited to 430 square feet).

1990's – Protecting water (and ecology)

“Groundwater quality and quantity are of paramount importance to residents on Hornby Island and the other Gulf Islands. As such, water conservation, proper waste disposal and placement of human development should be made a priority in future land use planning.” - Results of the Groundwater Geochemistry Study on Hornby Island, British Columbia Final Report, D.M. Allen and G.P. Matsuo

During the growth of the 1970s and 1980s, the community had developed significant infrastructure:

- the expanded Co-op and Ringside,
- the new Community Hall,
- Joe King,
- New Horizons,
- the Clinic, and Health Care Centre,
- the Recycling Depot,
- the network of trails on the mountain.

Organizations were created to provide a range of services to advance the community's well-being and support its creativity.

Also:

- BC Ferries established an improved service schedule;
- the provincial government created Tribune Bay Provincial Park;
- the school board built a new school.

These additional amenities enhanced the attractiveness of the Island to retirees, to seasonal property owners and to people aspiring to live on the Island full time, which increased the potential for impacts, such as upon the Island's water and ecology.

In 1989, a Ministry of Environment report estimated that the demand for water in developed areas had reached as much as 83% of the estimated ground water available.

In the 1990's, protection of Hornby Island's groundwater resource, in the face of increasing demand, became a significant community concern.

A Groundwater Protection Project was conducted in phases from 1994 to 2002 as a joint project of the Ministry of Environment and the Islands Trust; it generated a **Groundwater Protection Strategy** and informed a review of the Official Community Plan.

A new **Official Community Plan (Bylaw 104)** adopted in 2003 included a new, over-riding policy for all land use which requires the impacts on groundwater resources to be addressed when considering zoning, regulations and applications.

A similar over-riding policy was included with respect to sensitive ecosystems and important habitat following more information becoming available about their presence on the Island and their vulnerability.

Meanwhile, a new **Land Use Bylaw (Bylaw 86)** was adopted in 1993, with only minor changes to residential density:

- Small lot zone

One dwelling (max. 200 square metres) per lot

Size of lot creatable by subdivision - minimum: 8,000 square metres

- Rural residential zone

One dwelling per lot

One additional dwelling per lot for each 4 hectares of lot area over 4 hectares

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 1 hectare; average: 4 hectares

- Agricultural zone

One dwelling per lot

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 16 hectares

- Upland zone

One dwelling per lot

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 4 hectares; average: 16 hectares

** this recognized the previous allowance of one guest cabin per lot over 3.5 hectares, which, in many cases, had become used for year-round residential housing rather than just seasonal guest occupancy.*

PART B – Responses to an Emerging Housing Crisis

1990's – First Responses

“Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community’s current and projected housing requirements” - Islands Trust Policy Statement, 1996

During the 1990's, the community began to face significant housing challenges.

Senior's housing

In the early 1990s, seniors' housing (which had been flagged for consideration in the 1976 Official Community Plan) emerged as an issue of concern with many long-term residents now aging. In 1990, a Conference on *Seniors' Housing in Island Communities* was hosted on Hornby Island by Heron Rocks. In 1992, the *Elder Housing Society* was formed and acquired land through partial donation. (Construction of units began in 1996. The current availability of 11 units at affordable rents has been achieved through fund-raising, donations, grants and considerable volunteer effort.)

- land use planning action:

The Land Use Bylaw was amended (by Bylaw 70) in 1992 to create a new zone for seniors' housing.

Ownership housing

By the mid-1990s, after the resident population had doubled over two decades. House prices were becoming beyond the reach of those relying solely on locally-derived incomes to pay for them. Easily-developed lots were becoming more scarce. The costs of developing and building were increasing. Mortgages and loans were more difficult to obtain. Adherence to the Building Code was required to obtain financing and insurance.

Those who came during the 1970s and 1980s were generally able to secure ownership – or co-ownership - even with modest or low incomes, and to then build their own houses. This option was not so accessible for people with similar aspirations trying to settle in the 1990s.

- land use planning action:

The local trustees initiated public discussion about the possibility of allowing more subdivision of rural residential land as a way of providing more opportunities for ownership housing. This was rejected by the community because it would erode the rural character of the island and lead to fragmentation of forest cover as land was cleared for house sites, driveways, gardens, views, etc. There was support for continuing land sharing opportunities as a way to enable affordable home-ownership.

A policy was included in the OCP Bylaw 104 (2003) to support density bonuses in exchange for amenity zoning, whereby additional subdivision capacity could be permitted in conjunction with land being made available for affordable housing.

Rental housing

By the late-1990s, rental housing was also becoming problematic. With ownership housing more and more out-of-reach of many residents, rentals were sought after as a way to secure housing. There was no purpose-built rental housing. Dwellings had been specifically built by or for owner-occupiers or for recreational use for non-residents. Secondary dwellings (cabins) provided some housing. Other year-round rentals involved dwellings not currently being used by owners (such as residents temporarily living elsewhere for work or education, or non-residents planning to eventually retire on the Island). Many rental situations were not year-round but involved moving out for all or part of the summer while a dwelling was being used by non-resident owners for vacation purposes. Most of these situations did not provide long-term security. Towards the end of the decade, a group of “displaced Hornby residents” had become organized to draw attention to this situation and encourage action.

- land use planning action:

The local trustees initiated public discussion about the possibility of allowing accessory dwelling units as a way of providing more rental housing. There was strong community resistance to increasing density at a time when impacts upon the groundwater resource was already a concern.

This policy was included in the OCP Bylaw 104 (2003):

“The Local Trust Committee shall establish a special projects advisory planning commission to identify local housing needs, develop and evaluate options for addressing them and prepare recommendations for subsequent amendments to the Official Community Plan that are consistent with the objectives of the Plan.”

2000s - Housing initiatives:

“The recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices. While it has always been a challenge to find adequate employment and affordable housing on the two islands, recent trends have worsened the situation.” - Housing Needs on Hornby and Denman Island Final Report, Eberle Planning and Research, 2008

At the turn of the century, the new Inland Highway and the beginning of direct flights from Edmonton and Calgary to Comox had made Hornby Island much more accessible from the urban areas of the capital region, the lower mainland, and Alberta. The start-up of property management companies and the arrival of the internet enabled short term rentals to morph from having been a low-key, off-the-radar, word-of-mouth activity into becoming a much more commercial activity. These factors put more pressure on housing.

In the 2000s, there was a significant reduction in residential rentals – from 160 units in 2001 to 100 units in 2006. This coincided with a period in which short term rentals were increasing. Only 18% of dwellings were used for residential rentals, compared with 30% across BC.

In 2008, the average renter had lived on Hornby for 12 years and had moved 8 times. 43% of renters had no indoor toilet facilities and 49% lived in dwellings requiring repairs. 68% of renters had no tenancy agreement and 33% had only seasonal rentals. 45% of renters were paying more than 30% of their income on housing costs. (97% of renters were employed.)

The community as a whole was becoming much more aware of, and concerned about, what came to be seen as a housing crisis.

In 2003, HICEEC created a *Quality of Life* report for Hornby Island. This report indicated that 48% of renters could be classified as relatively homeless as result of paying more than a third of their income on housing. Others were living in less-than-satisfactory circumstances due to conditions or lack of stability.

The report stated: *“Housing is a major concern on Hornby Island. As stated earlier the population fluctuates seasonally with summer being the peak. Houses and cabins are often rented out to summer visitors and in September-October rented out to permanent residents until May or June. This forces the majority of renters to organize other living arrangements for 2-4 months of the year. This affects families (often with young children) singles and couples. Year-round rental housing is hard to find on the island.”*

Also in 2003, there was broad involvement in creating a Community Vision for 2020. The vision statement for housing includes: *“In the year 2020 Hornby Island is a balanced, diverse community where all its residents are able to find adequate housing. Stable and affordable housing makes it possible for residents to put down roots and build a life here, actively participating and contributing to*

the well-being of the community.” “A strong community priority is placed on creating affordable, year-round housing for permanent residents.”

There were a number of community initiatives to address housing, with associated land use planning actions.

- Accessory Dwelling Units / Temporary Use Permits / Housing Agreements

Following up on an OCP policy requirement, the Hornby Island Local Trust Committee established an **Advisory Committee on Housing** in 2003. The Committee conducted a wide range of activities to gather information and input, leading to a report in 2004. This identified three key housing needs: affordable rental housing, affordable ownership housing and seniors’ housing. The report provided a number of recommendations for community action.

With respect to land use planning and regulation, the Advisory Committee on Housing report recommended the use of Temporary Use Permits and Housing Agreements to enable a range of site-specific housing solutions, particularly secondary dwelling units.

Later, in 2008, HICEEC obtained a grant to study the possible use of secondary units as a housing solution for the Gulf Islands. (At the 2007 **Housing Solutions for Small Communities** conference organized by HICEEC, a panel had proposed secondary accommodation units as an important way to provide immediate housing opportunities.) At the same time, concerns were expressed about the potential impacts of increasing density.

It was noted that, while secondary suites are being legalized in many urban communities, different circumstances are faced on islands and in other small communities. The report suggested how such units could be judiciously used on islands, noting that this should be preceded by regulations to address short term vacation rentals.

- land use planning action:

In 2005, to implement recommendations of the Advisory Committee, the Hornby Island Local Trust Committee and Islands Trust planning staff prepared draft bylaws to amend the Hornby Island Official Community Plan and Land Use Bylaw to allow secondary dwelling units permitted by Temporary Use Permits and Housing Agreements housing agreements. Unfortunately, different trustees were elected and the new local trust committee did not proceed with these amendments.

However, a subsequent local trust committee followed up on this concept by including policy in a new Official Community Plan to allow accessory dwelling units to be considered through the use of Temporary Use Permits. The use of Housing Agreements was not included as these would have involved an onerous process for a single unit; Housing Agreements are generally used for multi-unit housing projects.

Non-market Ownership Housing

A recommendation of the **Advisory Committee on Housing** to the community was the formation of a community land trust in order to facilitate non-market ownership housing. This was based on a conclusion that the only way to make home ownership affordable was to remove the cost of land and the profits associated with market housing.

In 2006, **ISLA** (Islanders' Secure Land Association) was formed as a community land trust, following up on a recommendation by the Advisory Committee on Housing.

A land donation to ISLA was proposed in 2006 and completed in 2010. Considerable work was carried out by successive dedicated directors, with regular membership and community consultation, to address site planning and preparation plus significant legal, financial and regulatory challenges.

- land use planning action:

The local trust committee first of all supported the land being proposed for use by ISLA being transferred out of the ALR in conjunction with other equal or better land being transferred into the ALR.

Then, the LTC utilized the OCP policy supporting a density bonusing by amending the zoning regulations to specify what level of subdivision would be allowed as the result of specified amounts of land being donated. The parcel was about 12 ha, meaning it could be subdivided into three 4ha lots under rural residential regulations at that time. The site-specific density bonus regulation enabled subdivision into four 1 ha lots if the remaining 8 ha lot became zoned for community housing. The whole process began in 2006 and was completed in 2010.

Once that process was completed, the property was rezoned for “community housing”.

Low-Income Rental Housing

In 2007, at a time when the local trust committee was not taking an active role in pursuing housing solutions following the election of different trustees, HICEEC facilitated regular **Round Tables on Housing** to enable community organizations and individuals to follow up on initiatives identified by the Advisory Committee on Housing, to explore other ideas and to foster community awareness of housing needs and possible solutions.

One idea generated by the Round Tables on Housing was to explore the use of Crown land for low-income rental housing.

Discussions with the Assistant Deputy Minister for housing lead to Hornby, Squamish and Invermere being selected as pilots for housing projects on Crown land, with three requirements: a) completion of a housing needs assessment, b) community support and rezoning of identified suitable Crown land, and c) the creation of an organization to manage the project with BC Housing (to whom the land would be transferred). These three requirements were met, including the formation of the Hornby Outer Island Housing Society.

- land use planning action:

In 2008, the local trust committee amended the land use regulations for the “public use zone” to include “community housing” as a permitted use throughout the zone, which included the Crown land parcel (near French Road) which had been identified as suitable for low-income rental housing.

Secondary Suites

In 2008, HICEEC obtained funding to conduct a Housing Needs Assessment for Hornby and Denman Islands.

The report stated that for Hornby Island: *“At least 37 renter households and about 60 elder households are living in housing which is unacceptable by established standards. These households tolerate housing that is sub-standard, insecure, unaffordable or overcrowded in order to stay in the community they consider home.”*

The report recommended that: *“Permitting secondary suites or detached units on residential lots could assist some homeowners struggling with affordability and would increase the supply of rental units. At least 17 Hornby renter households in need consist of single persons for whom a secondary unit could be appropriate.”*

The report also stated that:

“Creating approximately 30 affordable home ownership units could address the needs of Hornby renter households in need and who prefer home ownership.”

And:

“Approximately 10 elder households wish to move in to elder housing over the next ten years.”

- land use planning action:

The next revisions of the Official Community Plan and Land Use Bylaw included permitting secondary suites on larger lots (and, as note above, detached units can be considered through applications for a Temporary Use Permit).

Zoning regulations already permitted 30 dwelling units for affordable ownership on the ISLA property and 20 dwelling units for seniors' housing on the Elder Housing property.

2010 - 2014 – Consolidation of Planning for Housing

“An official community plan must include statements and map designations for the area covered by the plan respecting ...the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 year.” BC Local Government Act

In 2010, the **Hornby Island Advisory Planning Commission** was asked to provide recommendations to address housing based on a variety of ways of obtaining community input and on reviews of the Advisory Committee on Housing Report, the Housing Needs Assessment, and a 2008 staff report on secondary housing. This was part of a targeted review of the Official Community Plan, with housing being one of the two targeted topics.

As a result of the APC recommendations, a new section on housing was added to the Official Community Plan. It provides overall objectives for housing, and policies for community housing, affordable housing, rental housing, special needs housing and land co-operatives.

Official Community Plan policies support community housing on the Elder Housing and ISLA lots, and

enable community housing, a supported living facility, hostel and emergency housing on the Community Service (Public Use) lands. Other policies allow for secondary suites in dwellings on larger lots and for Temporary Use Permits to be considered for detached accessory dwelling units. Policies also enable applications to be considered for appropriate larger lots to be rezoned for community housing, special needs housing or land co-operatives.

Land Use Bylaw regulations permit:

- community housing on the Elder Housing and ISLA zones;
- community housing and a hostel and emergency housing in the Public Use zone;
- secondary suites on lots over 2 ha. in the Large Lot, Agricultural zones, by Siting and Use Permit;
- guidelines for considering Temporary Use Permits;
- increased permitted subdivision of lots in the Large Lot zone (average size reduced from 4 ha to 2 ha).

This last provision came about from discussion initiated by some property owners who were experiencing difficulties with land-sharing arrangements, particularly when inheritances or change of ownership occurred. There was general community support for allowing these particular lots to be subdivided and measures were enacted to enable this. But planners advised that local governments don't have the ability to distinguish between types of owners in zoning regulations.

Meanwhile, others in the community began advocating for increased subdivision as a way to create more home ownership opportunities, referencing the problems emerging with some land sharing arrangements. It was noted that allowing subdivision of 4 ha lots, on which two dwellings are permitted, into two separate lots with one dwelling on each would not increase existing density.

The **Official Community Plan (Bylaw 149)** and the **Land Use Bylaw (Bylaw 150)** were adopted in 2014 after delays for reasons unrelated to housing.

PART C – The Crisis Continues

Since 2014 - Plans in place, but why no new housing?

“The [Hornby Island] OCP is very thorough, with objectives and policies to guide the creation of affordable, special needs, and seniors housing, including recognition of shared ownership as one way to make land more affordable.” - Affordable Housing in the Islands Trust Area Baseline Report, 2019

Local land use planning actions have been carried out in response to report recommendations and community initiatives. The OCP section on housing provides a range of opportunities. However, these opportunities have not resulted in the intended housing materializing.

Here is some exploration of why:

Community (affordable ownership) housing – Beulah Creek (ISLA)

No housing built. Despite efforts by multiple directors over multiple years, the legal, financial and regulatory challenges proved insurmountable. The Hornby Island Housing Society is now pursuing low income rental housing on the Beulah Creek land with BC Housing and M'akola Housing Society.

Community (seniors') housing – Elder Housing

No additional housing. Despite being permitted 20 dwellings there are still only 11. The lot configuration does not lend itself to additional dwellings and adding additional land has not been attainable. Expansion would require significant resources of a volunteer organization.

Community (low income rental housing) housing – Public Use area

No housing built. Despite this area being specifically zoned to enable the Hornby Outer Island Housing Society to proceed with its proposed project near French Road, this never happened. The intended transfer of land to BC Housing was put on hold when the Province suspended Crown land dispositions to assess requirements for protecting Coastal Douglas Fir ecosystems, and while treaty negotiations were happening with K'omoks First Nation. In the meantime, the society became defunct.

Hostel, supported living facility, emergency housing – Public Use area

None of these proposed housing projects have been initiated. The organizations that own or lease land in the area have primary purposes other than housing. Crown leases may not allow such developments (as the Hornby Island Athletic Association found out when it tried to set up summer camping opportunities for workers and displaced residents). Other organizations without land in the area would need to prepare a viable plan and obtain community support in order to access Crown land in the area.

Accessory dwelling units - by Temporary Use Permit

There has been no uptake, despite “non-permitted” accessory dwelling units of one sort or another being a significant source of affordable housing. Reasons might include:

- the temporary nature of TUPs;
- the cost of a TUP;
- cost of establishing a permissible unit;
- the regulatory/bureaucratic process;
- lack of awareness;
- no pressure to legalize situations while there is a moratorium on enforcement.

Secondary suites – by Siting and Use Permit

There has been no uptake, despite single people seeking housing and 44% of dwellings being occupied by one-person households. Reasons might include:

- lack of awareness;
- does not align with how people want to live;
- cost of developing a suite;
- regulatory requirements;
- the option is restricted to only larger lots.

Rezoning for housing projects - community housing, special needs housing, land co-operatives

There have been no applications. Reasons might include:

- lack of awareness
- lack of available, affordable land
- lack of groups / organizations with the required capacity

Potential additional available land for ownership housing – subdivision of large lots

There has been no significant increase in lots for sale nor reduction in land prices. Few additional lots have come on the market as a result of the reduction of average lot size; most subdivisions have been to divide co-owned properties with two existing houses. Reasons might include:

- landowners do not want to subdivide;
- lots unable to meet slope, soil depth, percolation rates, and reserve field requirements;
- lots unable to meet access requirements;
- costs and challenges of bureaucratic process;
- there are no subdividable undeveloped lots.

Density bonuses – for housing opportunities

There has been no use of the density bonus provision to obtain land for affordable housing following its use to obtain land for ISLA. Since then, there have been no remaining non-ALR properties of comparable size to enable a similar process.

.....

Land use policies and regulations cannot create housing. They can only enable opportunities. These opportunities need to be taken up by the market or by non-market initiatives.

The market has been unable to generate ownership housing attainable by local residents whose financial resources are limited to local incomes. It has generated little, if any, dedicated rental housing which, due to the costs involved, can be economically challenging to provide, even on a non-profit basis.

Non-market initiatives depend upon the efforts of volunteers involved in non-profit organizations and their success in addressing complex challenges and in securing funding.

Much of the actual attainable and affordable (if not secure) housing is as a result of landowners choosing to make available dwellings they are not currently using – or making available land on which residents can site a mobile unit or tiny home. Many of these situations are not “permitted” but are able to temporarily continue due to a current moratorium on enforcement. This is not a good long-term solution.

The significant lack of uptake of opportunities suggests that policies and regulations need to be carefully reviewed to see if there are adjustments and alternatives that might better support more achievable and secure housing options.

2018-2023 - Housing Needs Today

“In the year 2020 Hornby Island is a balanced, diverse community where all its residents are able to find adequate housing. Stable and affordable housing makes it possible for residents to put down roots and build a life here, actively participating and contributing to the well-being of the community.” Hornby Island Community Vision, 2002

In 2018, the Islands Trust conducted housing needs assessments for the northern islands.

In 2018, the Hornby Island Housing Society was formed as a new entity replacing the Elder Housing Society. In 2021, the Hornby Housing Network took shape as a way for organizations to work together on housing issues. In 2023, the Network assessed current housing needs on the Island.

Housing Needs Assessment, 2018:

The following information is from the housing needs assessment for Hornby Island:

Rental housing affordability:

To be affordable, 50% of households need rental housing at \$700/month or less.

Ownership housing affordability:

Only 8.8% of households (with an annual income of over \$100,000) can afford to buy a house priced at \$581,000.

Top challenges indicated by community survey:

1. Housing is unaffordable relative to income – particularly since there is a large percentage of households that earn under \$25,000 per year.
2. Uncertain tenure forces people to move seasonally – often forcing people to share accommodation in the summer months and/or live in tents.
3. Lack of housing options – while Hornby Island has seniors housing, there are no options for other secure rental options.

(Over 80% of survey respondents indicated that those in need of affordable housing live in trailers or mobile homes, and illegal cottages.)

- Conclusions and recommendations of the Housing Needs Assessment

Based on the population projections, there could be a need for potentially 158 residential units in the next 25 years. Based on the 2016 Census, 41% of the total population falls within the no, low and low/moderate income levels.

The 2008 Housing Needs Assessment on Hornby and Denman Island identified a total housing need of 97 units for renters and seniors. Based on the population growth projected for 158 units and 41% need for affordable rental, Hornby Island now requires between 65 and 97 affordable housing units. This would require between three and four affordable rental housing units to be constructed each year.

Affordable Housing MRDT Plan, HICEEC, 2022

In 2022, HICEEC prepared an appendix on Affordable Housing as part of a strategic plan for the community's use of Municipal & Regional District Tax. This focused on how the need for workforce housing translates into a challenge for employers to attract staff, especially during the summer months.

The segment of housing that is not currently being met, either in the planning or implementation stages, is seasonal, tourism, workforce housing. Some employers are able to provide staff accommodation on their own property, but many employers aren't. Shortage of staff have resulted in reduced hours and closures for some operations.

Community First, Hornby Island Housing Report, 2023

In 2023, the Hornby Island Housing Network produced a report on housing and then summarized identified needs, including this information:

41% of people are precariously housed (Canada: 33%)

(This includes not having secure tenure and living in housing that is inadequate and/or unsuitable and/or not legally permitted.)

69 people are identified as being in immediate housing need (32 of which are over 65)

52 require a studio or 1 bedroom unit

19 are interested in sharing

There is a range of specific housing needs, including those with mental health and/or addiction challenges, separating families, people staying in negative relationships.

Few renters aspire to own housing.

House prices, 2023

These are the properties currently listed for sale with asking prices under \$1,000,000 (July 2023)

	Asking Price	Down payment	Monthly mortgage payment
.98 acres, Gunpowder	\$509,000	\$25,900	\$3,272
.62 acres, Anderson	\$695,000	\$44,500	\$4,405
1 bedroom cabin, Cannon	\$499,000	\$25,000	\$3,021
1 bedroom cabin, Campbell	\$569,000	\$32,000	\$3,423
2 bedroom cabin, Gunpowder	\$680,000	\$43,000	\$4,059
3 bedroom house, Porpoise	\$699,000	\$45,000	\$4,168
2 bedroom house, Anderson	\$729,000	\$48,000	\$4,340
3 bedroom house, Central	\$759,000	\$50,000	\$4,512
3 bedroom house, Cowie	\$885,000	\$63,000	\$5,237

(The average house price in Canada is \$709,000, with a provincial high of \$991,000 in BC)

An income of at least \$100,000 would be required to buy a house costing \$500,000.

Household incomes on Hornby Island (2021 census)

Household income	Number of households	Percentage of total
Under \$50,000	370	54%
\$50,000 to \$100,000	190	29%
Over \$100,000	120	17%

83% of Hornby Island's households cannot afford to buy the cheapest house that is for sale.

PART D – Making New Plans

Context

“Life on Hornby seeks to balance a rural experience of nature and personal freedom with a satisfying sense of community and belonging.” - *The Hornby Way* – HIRRA, 2019

Land use planning for housing needs to be shaped within the context of the land, the community and its existing housing stock.

Land characteristics

Hornby Island’s approximately 3,000 hectares are roughly divided into the following land uses:

- Parks, protected areas, other land not available for development	34%
- Land in the Agricultural Land Reserve	28%
- Residential use – large lots	30%
- Residential use – small lots	7%
- Commercial and institutional uses	1%

Lots are unserviced and require on-site provision of water and treatment of sewerage, making land development more challenging.

There are plus-or-minus 50 lots with theoretical potential for subdivision based on size, but many – perhaps most – may not have the actual capability. Only two of these lots are undeveloped. There are two lots that may have the capacity to be subdivided into 3 lots; the rest into 2 lots.

There are about 117 residential lots that do not have dwellings built on them.
(Their value ranges from \$280,000 to \$1,144,000.)

Community characteristics

- Seasonality

Summer visiting and seasonal residency means that in July and August the ferry serving Hornby Island carries 4 times as many passengers than in January and February;

Over 40% of dwellings on Hornby Island are only occupied seasonally;

Additional workers are required in the summer to help provide required services at a time when available accommodation tends to be fully occupied by residents, property owners and their paying or non-paying guests;

- A Naturally Occurring Retirement Community (NORC)

NORCs are communities that over time naturally come to include a high density of older adults.

People who were part of the large in-migration in the 1970s and 1980s have now reached – or will soon be reaching - retirement age.

Since the 1970s, people from elsewhere have bought property on Hornby Island for future retirement and have been steadily moving here.

A NORC requires younger people to do the work that people of retirement age are not available, or are unable, to do and to provide needed services;

Local service jobs do not provide the income to compete in the housing market with retirees who have accumulated real estate and other assets.

- Amenity migration

Amenity migration occurs when people move to a community, full or part-time, not because of the available jobs and housing but often despite their lack, in order to enjoy amenities such as natural beauty, recreation, community facilities/services/character, etc.

Amenity migration to Hornby Island occurs in a range of socio-economic groups:

- more affluent people able to afford second (or third) homes;
- retirees, who have generally previously been vacationers on Hornby Island;
- parents wanting a different environment in which to raise a family;
- young people pursuing an alternative, simpler lifestyle than possible in cities;
- vulnerable people seeking a less harsh situation to survive in.

Amenity migration is supported by:

- transportation: the Inland Highway, direct flights to Alberta, stabilized ferry fares, float plane service;
- communications: improved internet (enabling telecommuting and operating businesses from home);
- improved services, recreational opportunities, cultural activities.

- Population turnover

There appears to be a fair amount of turnover in the population, with out-migration balancing some portion of the migration to the island.

Out-migrants can be;

- young people who have grown up here who leave to pursue education, work opportunities, different living experiences, etc, some of whom may return to the island some years later;
- young people who come to Hornby and stay for a few months or years and then move on;
- people who have migrated to Hornby but then find that life here doesn't suit them;
- residents who have wearied with struggles to make a living and/or attain housing;
- residents who leave to be closer to loved ones, to pursue opportunities elsewhere, so that their children are closer to school, or to better access needed health care or other services;
- or combinations of the above.

Population characteristics

From 1976 to 2021, Hornby Island's population almost tripled (from 420 to 1,225). BC's population doubled in the same period.

The current demographics of Hornby Island are significantly different from those of the region, of BC, and of Canada in the following ways:

44% of the population is over 65 (Canada: 19%)

9% is under 15 (Canada: 16%)

48% are employment participants (Canada: 64%)

73% are employed part-time or part of the year (Canada 46%)

52% of people working are self-employed (Canada 14%)

Median after-tax income is \$27,000 (Canada: \$37,000)

Median household income is \$45,000 (Canada: \$73,000)

28% of residents are low income (Canada: 11%)

Housing characteristics

From 1976 to 2021, the number of dwellings roughly tripled, keeping pace with the growth in resident population. However, dwellings have been in demand, built, and bought for both residential and non-residential uses. Over the years, about 50% of dwelling have been owned by residents and 50% by non-residents.

In 2021, of 1,225 dwellings, 654 dwellings were occupied by residents year round (560 in 2016).

That's 59% of dwellings (Canada: 92%)

Of these, 93% are single detached dwellings (BC: 40%)

13% of dwellings need major repairs (Canada: 6%)

Mobile units are the next most common type of dwelling

In 1976, the average household size on Hornby Island was the same as the provincial average: 3.3 persons. It is now only 1.9 persons, compared to 2.4 persons across BC.

There are:

285 1 person households

260 2 person households

115 households with 3 or more persons

105 households that include children

(25 of them are single-parent households)

20% of households are rentals (Canada: 33%)

About 120 dwellings are advertised for vacation rentals – about 10% of the community's housing stock. If every existing dwelling, plus every additional dwelling that could be built, was occupied year-round by a two-person household, they would accommodate an Island population of 3,750.

Policy and regulatory constraints

“The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area’s resources and systems are limited.” Islands Trust Policy Statement, 1996

The challenge of addressing housing is compounded by the need to work within the existing provincial and regional legislative, policy and regulation framework.

Balancing priorities

The *Islands Trust Act* grants land use planning authority to the Hornby Island Local Trust Committee for a stated purpose: carrying out the object of the Islands Trust, which is to preserve and protect the trust area and its unique amenities and environment for the benefit.

Priorities for protection include:

- Ecosystems and biodiversity

(29% of Hornby Island has been converted to human use – the second highest level in the Trust Area)

- Freshwater

(most of the Hornby Island’s aquifers are classified as highly developed)

- Rural character

(Hornby Island’s rural residential lots have the highest subdivision potential in the Islands Trust area)

These priorities align with consistent objectives of Hornby Island Official Community Plans from 1976 to the present.

Strengthening housing affordability is a priority of the Islands Trust Council. But it needs to be balanced with the priorities of protecting ecosystems, freshwater and rural character.

Addressing policy requirements

Official community plans and regulatory bylaws will not be approved if they are contrary to, or at variance with, directive policies of the Islands Trust Policy Statement. Policy 4.4.2 requires that “neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater”. The small lot subdivisions on Hornby Island are known to have such problems.

It is a challenge to address housing within these important residential areas of the Island in the context of this policy.

Utilizing land use planning tools

The *Local Government Act* provides the regulatory tools for local governments to plan for housing, but there are challenges involved in using these tools:

- **zoning regulations** are fundamental for permitting what housing is allowed and where, but it has been long understood that such regulations can only address uses, not users (as affirmed by the BC

Court of Appeal in 2019: it is “well-settled law that a bylaw may not, without specific provision, regulate the users of property.”)

- **housing agreements** can be used to specify who uses housing along with a range of other requirements, but require a bureaucratic process (including adopting a bylaw to authorize an agreement) that generally make housing agreements only suitable for multi-unit housing projects.

- **temporary use permits** provide the only way to authorize non-permanent housing on a property, but require a significant bureaucratic process (including the equivalent of a public hearing) and can only be in place for a maximum of six years.

Considering other regulations

Provincial legislation has generated regulations used by other agencies that can impact local land use planning for housing.

- ***Drinking Water Protection Regulation***

If two or more dwellings are connected to the same water system, it must be approved by *Island Health*

- ***Sewerage System Regulation***

An authorized person must approve an on-site system to ensure it can handle the daily flow for the proposed occupancy of housing units

- ***Subdivision Approval***

Subdivision of rural property is considered for approval by an Approving Officer appointed by cabinet (and working within the Ministry of Transportation and Infrastructure), taking into account a range of factors. With respect to unserviced lots, the Health Authority sets the requirements for water systems and on-site sewage disposal. The minimum size of lots created by subdivision for properties served by on-site sewerage system and water supply is 1 ha to 2 ha based on slope, soil depth and percolation rate. Lots created by subdivisions will need to meet requirements for lot frontage and panhandles.

- ***Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation***

These give authority to the ALC to regulate land uses – such as housing - in the ALR

- ***BC Building Code***

Although Hornby Island does not have building inspection and permitting services, the BC Building Code still applies to all construction, including secondary suites.

Some regulatory opportunities

“The housing crisis faced by British Colombians looking for a place to rent, or even a chance to get into the housing market itself, is profound, and calls for some pretty urgent action at all levels of government.” - Premier David Eby, 2023

The constraints are balanced by a number of opportunities – some of them new – that can enable alternative approaches to planning for housing.

Multi-family zoning – specifying residential rental housing

In the past, local governments did not have authority to specify in zoning regulations that particular housing be made available for only residential rental use.

In 2018, the *Local Government Act* was amended to include a new provision for residential rental tenure (section 481) which states that “a zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.”

Although this new provision was added to the *Act* with urban situations in mind, there is nothing to preclude it being used in rural areas, particularly as there is no set definition of “multi-family residential use”. This will enable a zone to be created in which additional dwellings are only permitted if used for residential rental purposes.

Covenants - specifying users of housing

In the past, it has been generally accepted that legally a local government may not regulate the users of property.

In 2020, the Appeal Court of BC (in 1120732 B.C. Ltd. v. Whistler) made a decision, upheld by the Supreme Court, ruling that the regulation of users is permitted as long as it is not unreasonably discriminatory in its effect. This case affirmed a 1998, the Appeal Court of BC decision (in North Vancouver v. Fawcett) which upheld that a section 219 covenant could require that residential units be occupied as by people of specified age.

Section 219 of the *Land Title Act* gives a local government authority to register a covenant with respect to the use of a building.

The District of Central Saanich uses section 219 covenants for the construction of a new Detached Accessory Dwelling Unit. The District’s Land Use Bylaw permits an owner to construct the new building only if the owner grants a covenant to the District on terms specified in a standard covenant stating the permitted occupancy of the building (property owners, family members, caregivers, caretakers, employees serving the property, or for rental housing purposes).

Thus a section 219 covenant can be used, in lieu of a housing agreement to require that a dwelling unit be used for residential tenancy purposes only. It involves a simpler process than a housing agreement, which must be adopted by bylaw.

Agricultural Land Reserve – secondary dwellings

In the past, the Agricultural Land Commission allowed a secondary dwelling in the form of a manufactured unit, only if required for farm purposes, on ALR land.

As of December 31, 2021, on a property 40 ha or less, where there is a principal residence of 500 m² or less, one 90m² additional residence may be permitted, subject to local government bylaws. The new ALC regulations continue to also permit one secondary suite within the principal residence.

Secondary suites – provincial government initiative

In the past, permitting additional dwellings was a purely local government decision.

In 2023, the BC Government announced that it will introduce legislation to legalize secondary suites across the Province.

Temporary Use Permits – on-going uses

In the past, Temporary Use Permits (TUPs) were used only to permit short-term commercial and industrial uses.

In 2010, the *Local Government Act* was amended to eliminate all references to commercial and industrial uses, enabling a TUP to allow any use that is not permitted by a zoning bylaw, including for example residential, agricultural and institutional uses.

Now, local governments across the Province are using TUPs to allow on-going uses such as housing or short term vacation rentals. While a permit can only be issued for three years and renewed for an additional three years, there is nothing in legislation to prevent a subsequent TUP being applied for and issued. (The renewal and reissue of a permit provide an opportunity to review whether the use is being carried out in accordance with permit conditions.)

A Refreshed Approach

“Policy direction to support affordable housing is essential to effectively encouraging solutions.”
- Affordable Housing in the Islands Trust Area Baseline Report, 2019

It has become clear that:

- a) The community’s affordable housing crisis has been on-going for a quarter century
- b) The market has not been able to provide needed housing
- c) Non-market housing has been challenging to achieve and will not be sufficient
- d) Regulatory opportunities, based on recommendations of housing reports, have not lead to uptake
- e) Necessary, but inadequate, accommodation is being provided through non-permitted housing units.

Additional options are needed and some existing ones need to be modified.

These need to be made known to the community.

Regulations should provide accountability (with respect to ensuring that permitted housing meets the intended housing need and to addressing possible impacts) but without being so bureaucratic that they discourage applications and perpetuate “illegal” solutions instead.

To address identified needs, options should include:

- Opportunities for residents to legally pursue some of the hitherto “illegal” solutions in appropriate situations.

(A broader and more accessible use of temporary use permits can support arrangements between particular landowners and particular residents.)

- Opportunities for house sharing, noting that 19 of the 69 people in immediate housing need are interested in sharing.

(Secondary suites should be a more accessible and better understood option.)

- Opportunities for small rental units, noting that 52 of the 69 people in immediate housing need require a one-bedroom unit.

(Attached or detached accessory dwelling units, limited by size and required to be used only for residential rentals, could help address this need.)

- Opportunities for family rental units.

(A new multi-family sub-zone, in which additional dwellings, required to be used for residential rental use, are permitted on suitable larger lots could provide opportunities)

- Opportunities for community and co-op initiatives

Policy should continue to support possibilities for community housing, temporary/emergency housing, special needs housing and supportive housing.

- Opportunities for affordable ownership housing arrangements

(In addition to larger-scale projects by a community organization or co-op, policy should enable consideration of small-scale initiatives to create ownership housing on shared land, including clustered housing or attached units.)

- Opportunities for density/subdivision re-configurations

Policy should continue to enable site-specific consideration of bonuses of subdivision capacity or density where these will enable a community housing opportunity (though there is limited potential for this as there are no sizable rural lots remaining).

As in the past, uptake of new opportunities is likely to be limited. But a range of opportunities could lead to some innovative initiatives.

Advisory Planning Commission recommendations

In 2022, the Hornby Island Advisory Planning Commission provided the Local Trust Committee with recommendations addressing housing and short term rentals. It made these recommendations for housing:

- 1. In Large Lot Residential zone, allow multi-family development through site-specific subdivision re-zoning. Limit the development to “residential rental tenure.”*

2. In Large Lot Residential zone, create a new zone permitting permanent second dwelling, Short Term Rental (STR) prohibited. The location of this new zone will be determined through community consultation.

3. Permit in all zones: site specific applications to permit a second dwelling for residential rental tenure, verifying proven septic, water, and lot coverage. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.

These recommendations have not been implemented.

This paper includes similar proposals, but as part of a comprehensive plan with 30 detailed recommendations.

PART D – Recommendations for a comprehensive approach

“If no action taken, housing crisis will elevate to a critical level. Without updating the OCP to strengthen the various policies and objectives that impact the conditions of housing (and its associated environmental, social, economic and cultural conditions), Hornby Island will no longer be able to provide healthy social, economic, environmental and cultural conditions for its residents. Furthermore, the island will no longer be able to maintain its character. Most importantly, if no action is taken, we will fail to implement the Trust Council’s mandate of preserving and protecting Hornby Island.” Hornby Island Local Trust Committee OCP Project Business Case, 2021

Summary of recommendations

What is proposed in these recommendations would result in a very comprehensive planning approach to housing, offering a variety of opportunities that can be summarized as followed:

To be enabled by Official Community Plan policies:

- **Community housing:** affordable ownership, low cost rental, movable home facility - **modified**
- **Social housing:** seniors’, supported living, emergency, hostel - **existing**
- **Land sharing:** co-operative, co-housing, land trust; clustered or attached housing – **modified / new**
- **Multi-family housing:** involving a mix of ownership housing and residential rental tenures - **new**
- **Secondary suites:** in all residential zones and the agricultural zone - **modified**
- **Accessory dwelling units:** attached or detached, for residential rental tenures - **new**
- **Density bonuses or transfer:** in exchange for enabling housing - **modified**

To be permitted in Land Use Bylaw regulations

- **Low income rental housing** (Beulah Creek) - **existing**
- **Seniors’ housing** (Elder Housing) - **existing**
- **Community housing, hostel** (Public Use Zone) - **existing**
- **Secondary suites** (in all zones) - **modified**
- **Accessory dwelling units on large lots** (requiring a covenant) - **new**
- **Accessory dwelling units on small lots** (requiring a temporary use permit) - **modified**

Enabling community initiatives

- Current policies and regulations; discussion

This refers to initiatives of community non-profit organizations.

Past, existing or conjectured community initiatives to create housing include:

- seniors' housing;
- affordable ownership housing;
- affordable rental housing, including for local workers;
- supportive living facility;
- emergency accommodation;
- temporary accommodation for summer workers and displaced residents;
- community-managed facility for siting mobile units or tiny homes.

These initiatives require land which could be:

- land already owned by a community housing provider;
- land within the "Public Use Zone";
- land yet to be identified and currently zoned for other residential uses.

- Initiatives on land owned by a community housing provider

This consists of:

- the Elder Housing property
- the Beulah Creek property

Both are zoned for "community housing". Changes in regulations could be pursued by the owners with the Hornby Island Local Trust Committee.

- Initiatives on land within the "Public Use" zone

Hornby Island is fortunate to have 98 hectares of land in the centre of the Island available for community services uses and zone as "Public Use".

This area consists of:

- property owned, leased or licensed by various entities, none of which have a housing purpose; (Comox Valley Regional District (Fire Hall, Recycling Depot), School District 71, HIRRA, Hornby Denman Health Care Society, New Horizons, Hornby Island Athletic Association, Mainroad North Island Contracting and Spark);
- Crown land not in the Ecosystem Management / Groundwater Recharge Zone;
- Crown land identified as settlement land in treaty negotiations with K'omoks First Nation

Policy 6.2.6 in the "Community Services Use" section of the Official Community Plan states:

The development of affordable rental housing or special needs housing for Island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated Community Service Use and be regulated by land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator,

The “Housing” section of the Official Community Plan has policies that enable the following housing uses in this area:

- housing, provided it is affordable housing or provides for persons with special needs;
- a non-commercial campsite
- a supported living facility,
- a hostel and other facility for providing emergency and/or temporary accommodation.

The Land Use Bylaw permits the following uses in this zone;

- one accessory residential unit per lot (2 where there is a police station)
- community housing
- hostel

(but does not provide size or density regulations)

Establishing a housing project in this area will require an organization with a housing purpose to either;

- come to an arrangement with an organization that occupies land in this area, or
- obtain the use of Crown land.

Already-occupied land may not be available because the organizations involved may have other plans/aspirations or because the terms of a Crown lease or licence do not permit the use.

Obtaining Crown land will require a sound proposal with local government and community support. Official Community Plan policy identifies the need for a master plan for this area and for ensuring that dispositions of Crown land are in accordance with such a plan. As a significant proportion of the Crown land has been identified as treaty settlement land, and because the remaining Crown land could be needed for a range of community services, a master plan (including potential community housing projects) should be prepared before any particular project for the area is proposed.

- Initiatives on land zoned for residential use

Land cannot be pre-zoned for housing initiatives before specific parcels have been identified as available, attainable and suitable. But policies in the OCP can enable re-zoning to be considered when these are identified. The only land potentially available is currently designated as rural residential.

Policy 6.3.5.2 enables suitable parcels to be considered for re-designation and rezoning for community housing:

Parcels designated Rural Residential (RR) that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a site specific rezoning (see Section 7.3). A development plan is required upon application for rezoning that includes information regarding future development phases, projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation.

Policy 6.3.5.20 has similar wording with respect to special needs housing. (note: there are errors in these policies; policy 6.3.5.2 fails to mention community housing.)

Suggested changes to enable community initiatives

- Official Community Plan

1. Under “Community Service Use” policies, add this new policy (and delete advocacy policy 6.2.14):

The Local Trust Committee shall develop a master plan for future facilities and uses in the area designated for community service use in consultation with community organizations and should only support dispositions of Crown land for purposes that align with this plan.

2. Under “Affordable Housing” policies add:

A community-operated facility, involving the siting of mobile housing units or tiny homes for the affordable housing of community residents (especially those on the work force) and seasonally-employed workers, may be considered within the area designated for community service use.

3. Under “Community Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable community housing. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

4. Under “Special needs Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable special needs housing. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

- and under “Special needs Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable special needs housing or temporary accommodation for summer workers and/or displaced residents. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

-Land Use Bylaw

5. Once a master plan has been completed for the Community Service Use area, amend the permitted use, siting, size and sub-zone regulations for the **Public Use Zone** to provide for housing uses identified in the Official Community Plan, such as **community housing** and a **mobile housing unit facility**.

Enabling shared-land initiatives

- Current policies and regulations; discussion

In the “Housing” section of the Official Community Plan, there is a sub-section on “Land Co-operatives”. One policy affirms that two properties have been designated as Land Co-operatives. Another policy enables other properties over 4 hectare to be considered for re-designation and rezoning as Land Co-operatives.

The Land Use Bylaw contains specific zones for the “Syzygy” and “Shire” land co-operatives and also for the “Downes Point” property which is a corporation that functions somewhat as a co-operative. The Co-ops could apply to have additional residential density applied to their properties (and in fact, the number of permitted dwellings was increased for the Syzygy property).

There is not the opportunity today for co-ops of the scale of Syzygy or The Shire to be created, given that there is a limited number of non-ALR residential lots over 4 ha remaining on the island. There is a good number of lots around 4 hectares in size.

However, much smaller-scale collaborative initiatives to share land and establish affordable ownership housing might be feasible, using one of a number of alternative tenure arrangements such as co-housing, land trusts, co-ops and tenants-in-common agreements. The housing could take a number of different forms: duplexes, attached housing or a cluster of small units – or involve non-owners siting small dwellings on the land.

Suggested changes to enable land-sharing initiatives

- Official Community Plan

6. In the “Housing” section of the OCP change the subsection “Land Co-operative Policies” to:
“Shared land housing policies”

7. Change policy 6.3.5.23 to:

Parcels 3.5 hectares or larger in the Rural Residential land designation may be considered for site-specific rezoning as a land co-operative. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

8. Add the following policy:

Parcels over 1 hectare may be considered for re-designation as “rural residential / shared land housing” and rezoned to enable affordable ownership housing on suitable land with some increase in density, which may include duplexes, attached housing, or cluster housing and may utilize tenure arrangements such as co-housing, co-op housing and land trusts and may involve situations where non-owners who are community residents site a small dwelling (such as a tiny home or mobile unit) on the land. A development plan, a housing agreement, or a covenant may be required.

Enabling multi-family housing

- Current policies and regulations; discussion

At present, there is no “multi-family” land use designation or zone on Hornby Island. However, an objective for the Rural Residential land use designation is to provide some opportunity for land sharing. Zoning regulations permit 2 dwellings on lots 4 hectares and larger. Some of these lots contain additional dwellings occupied by community residents that are either not permitted or are lawfully non-conforming cabins (from the days when a cabin was permitted for each main dwelling on lots over 3.5 hectares).

As noted above, the *Local Government Act* was amended in 2018 to include a new provision for a multi-family zone in which the tenure of a dwelling can be limited to residential rental use.

This provision provides an opportunity to create a sub-zone within the large lot zone where lots can contain a mix of regular and small dwellings for ownership and residential use – in some cases “legalizing” what is already happening.

Eligible lots that are appropriate for rezoning as “multi-family” could be pre-identified on the basis of size, location, environmental sensitivity and known water issues. Rezoning applications from owners of pre-identified lots could be batched to reduce processing costs.

Lots could be limited to those over 4 hectares where two dwellings are permitted. An additional size-limited accessory dwelling unit would then be permitted for each dwelling with the requirement that either the principal or secondary dwelling be used for a residential rental tenure.

The total floor area of the primary and secondary dwellings could be limited to 300 metres square, which is the maximum currently permitted for a residential dwelling in the large lot zone.

Suggested changes to enable multi-family housing

- Official Community Plan

9. A new policy could be included in the “Housing” section of the OCP as follows:

Parcels within the rural residential designation where two dwellings are permitted may be rezoned for inclusion in a rural residential / multi-family housing sub-zone where a size-restricted accessory dwelling unit is permitted for each dwelling with a requirement that either the primary or secondary dwelling only be used for residential rental tenure.

- Land Use Bylaw

10. Under “**Definitions**” add definitions of “**multi family housing**” and “**accessory dwelling units**”.

11. When regulations are developed for a Multi-Family Housing Sub-zone, they should include the following requirements.

- one accessory dwelling unit is permitted for each permitted residential dwelling;
- either the primary dwelling or the associated secondary unit must be used only for residential rental tenancy;
- the floor area of a secondary dwelling unit should not exceed 100 square meters and the combined floor area of a primary and secondary dwelling should not exceed 300 square meters;
- vacation rentals are not permitted in the multi-family zone.

Enabling Secondary Suites

- Current policies and regulations; discussion

The rationale for allowing secondary suites in the current Official Community Plan and Land Use Bylaw was that:

- it would use existing buildings rather than requiring new ones to be built;
- 44% of households are 1 person households;
- one person is often living in a house that previously accommodated a family;
- having a suite to rent could help defray ownership costs;
- for some older people, having someone occupying a suite might support aging in place.

Two new factors are:

- in the 2023 Hornby Housing Report (Community First), 52 people in housing need are looking for a studio or one bedroom situation;
- in 2023, the Provincial government announced that it will legalize secondary suites across the Province and will offer loans to support the creation of such suites:

A pilot, three-year financial incentive program to help interested homeowners turn a portion of their home into a secondary or basement suite for the rental market.

Beginning in early 2024, homeowners will be able to access a forgivable loan of 50% of the cost of renovations, up to a maximum of \$40,000 over five years.

Over time, the loan can be forgiven if the homeowner meets all conditions laid out in the program, including renting their unit out at below market rates for a minimum of five years.

The pilot program is expected to be open to at least 3,000 homeowners for the first three years and will quickly help create new rental housing units within the existing housing supply, for much less than the cost to build a large-scale, multi-unit housing development.

More details on program criteria will be available well before the program is officially launched in April 2024, so potential applicants can do the appropriate planning.

At present, the OCP and LUB only permit secondary suites on lots 2 hectares or larger. Land use regulations require a Siting and Use Permit, compliance with the BC Building Code, confirmation of sewerage capacity by an authorized person, and a maximum size for the suite.

In most places in BC - eg Salt Spring Island, Courtenay - building inspection is in place and a building permit is required for a secondary suite. In the Comox Valley “secondary dwellings must have full

planning, building inspections, septic and water approvals”.

Siting and Use Permits are less onerous. However, the regulatory requirements could be simplified by addressing the requirements by other agencies (with respect to the Building Code and sewerage) through information notes rather than as part of land use regulations.

There may be more uptake if suites are permitted in all dwellings – as is the intent of the provincial government. This could present a challenge with respect to complying with Islands Trust Policy Statement policy 4.4.2. and the requirement to not increase use or density where there are known water problems, such as the small lot subdivisions on Hornby Island. At present, permitted uses on lots less than 1 hectare include Bed and Breakfast, involving 2 bedrooms (plus one or more for residents’ use), and Vacation Home Rental, involving 3 bedrooms. A parallel regulation could be included for secondary suites limiting the total number of bedrooms in the main dwelling and the suite to 2 or 3.

The current land use regulations for secondary suites are as follows:

- (1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must:
 - (a) be authorized by a Siting and Use Permit;*
 - (b) meet all requirements of the British Columbia Building Code;*
 - (c) contain at least one bedroom and bathroom, a separate kitchen and living area;*
 - (d) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;*
 - (e) be located wholly within the principle residential dwelling;*
 - (f) be occupied by the owner or residential tenant; and*
 - (g) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.**
- (2) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized person as defined in the Sewage System Regulations under the Public Health Act must state in writing to the Islands Trust that the sewage disposal system to which the building accommodating the suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.*
- (3) Despite Part 8 of this Bylaw, a secondary suite is not a permitted use in a dwelling on any lot within the heavily developed – high vulnerability aquifer designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149.*

Suggested changes to enable secondary suites

- Official Community Plan

12) Amend the OCP to require that short term rentals are only permitted through Temporary Use Permit.

13) In the “Rental Housing Policies” subsection of the “Housing” section of the OCP, change policy 6.3.5.13 to read:

A secondary suite, limited in size and contained within a permitted dwelling, may be permitted in residential zones to provide rental opportunities, provided the either the principal dwelling or the suite is occupied by a residential tenant.

- Land Use Bylaw

14) In “**Definitions**”, add a definition of “**residential rental tenure**”

15) Amend the LUB to discontinue vacation rentals as a permitted use under zoning regulations.

16) Allow secondary suites as a permitted use in all dwellings in zoning regulations for residential and agricultural zones R1, R2, R4, A1, A2, A3, A4.

17) Replace the regulations for Secondary Suites (3.8) with the following

(1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must

- (a) be authorized by a Siting and Use Permit;**
- (b) contain at least one bedroom and bathroom, a separate kitchen and living area;**
- (c) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;**
- (d) be located wholly within the principle residential dwelling;**
- (e) be occupied through a residential rental tenure; and**
- (f) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.**

(2) On lots less than 1 hectare in size, the number of bedrooms within the main part of the dwelling and within the secondary suite must not total more three.

Information note:

Secondary suites must meet the requirements of the British Columbia Building Code.

The Sewerage System Regulation requires the owner of a building to ensure the sewerage system is designed to accommodate sewage from that building. An increase in the number of bedrooms and/or kitchens may result in the need to upgrade the sewerage system. If in doubt, contact an Environmental Officer or an authorized person (as defined in the Sewage System Regulations)

Enabling accessory dwelling units

- Current policies and regulations; discussion

At present, accessory dwelling units (ADUs) are permitted through Temporary Use Permits. There has been zero uptake in terms of permits issued. But unpermitted accessory dwellings provide a significant proportion of attainable housing (including movable units sited on a property, but owned by the occupant rather than the landowner). These unpermitted situations occur in both the small lot and large lot zones. Enforcing them would be extremely disruptive and likely met with strong community resistance. An alternative approach is required.

There are three significant challenges in permitting ADUs:

- ensuring that they are used for residential purposes when there is a high demand for non-residential accommodation for paying and non-paying visitors;
- ensuring that water concerns and Islands Trust policy 4.4.2 are addressed if such units are permitted on small lots;
- ensuring that addressing the previous two concerns does not result in undue bureaucratic barriers to creating housing opportunities.

- ensuring residential rental use:

With respect to the first concern, the decisions of the Appeal Court of BC (mentioned above) open the door to Section 219 covenants being used to ensure that ADUs are used for their intended purpose.

The District of Saanich uses a standard covenant with these terms:

- . *1. The detached accessory dwelling unit is allowed for occupancy by property owners, family members, caregivers, caretakers, employees serving the property, or for rental housing purposes.*
- 2. No other accessory dwelling units (including a secondary suite) are currently on the property and that no other accessory dwelling units (including a secondary suite) are permitted on the property.*
- 3. The detached accessory dwelling unit cannot be subdivided, stratified, or legally separated from the principal dwelling.*
- 4. No part of the accessory dwelling unit or principal dwelling can be used for short-term vacation rentals and/or Bed & Breakfast.*

A similar approach could be used on Hornby Island for larger lots.

As noted above, in 2022 the Agricultural Land Commission began allowing a secondary dwelling of 90 square meters or less where there is a principal dwelling of 500 square meters or less. The OCP and LUB need to be changed to align with this.

The Hornby Island OCP contains this policy under the “Rental Housing Policies” in the “Housing” section:

6.3.5.12 Residential use should be an accessory use on land zoned for commercial use and may be a means to provide rental housing opportunities.

This has yet to be followed up.

- ensuring water concerns and policy 4.4.2 are addressed:

With respect to small lots, the guidelines for issuing Temporary Use Permits, the conditions included in permits, and the opportunity for review when a permit is being renewed (or re-applied for) can enable these concerns to be addressed.

The guidelines can specify that, unless both the primary dwelling and the secondary unit each have only one bedroom, information must be provided with respect to water supply and sewerage. The floor

area of an ADU can be limited and the combined floor area of the primary dwelling and ADU can be the same as that permitted for one residential dwelling (200 square meters).

With respect to water supply, although the *Drinking Water Protection Regulation* requires the approval of Island Health for two or more dwellings to be connected to the same water system, this is not pursued when it only involves two dwellings on the same lot. With respect to sewerage, if the number of bedrooms in the main dwelling are reduced and the number in an accessory dwelling kept to a minimum, his might keep the daily flow rate at a level that does not require additional treatment capacity.

- ensuring no undue barriers: – Temporary Use Permits (TUPs)

On larger lots on Hornby Island, ADUs could be permitted through zoning regulations as an alternative to secondary suites, with regulations including requiring a covenant to be signed before a Siting and Use Permit is issued.

The present policies and guidelines for TUPs need to be reviewed. There is a disconnect between the enabling policy in the Housing section of the OCP and the objectives for the TUP guidelines. The use of TUPs for housing opportunities should be expanded to include those situations where a landowner allows a community resident to site a removable unit on their property. As these are arrangements between a particular landowner and a particular resident at the present time, they are much more appropriately dealt with through a TUP rather than a permanent zoning change (and if that is desired, the “shared-land” provisions above would provide an opportunity for a zoning change).

The guidelines for TUPs are for a whole range of situations – including industrial and commercial uses – and some of them are not relevant for residential uses. A set of guidelines specifically for housing TUPs would be helpful.

Suggested changes to enable secondary dwelling units through zoning regulations

- Official Community Plan

18) In the Housing Section of the OCP, add this new policy to the Rental Housing Policies:

On larger lots within the rural residential designation, a size-restricted attached or detached accessory dwelling unit may be permitted instead of a secondary suite, provided the owner first grants a covenant to the Hornby Island Local Trust Committee that the unit only be used for residential rental tenure.

19) In the Agriculture Section of the OCP, replace policy 6.4.14. with the following:

On agricultural lots 2.0 hectares or greater, the following should be permitted: one dwelling with a secondary suite within the dwelling, plus an accessory dwelling unit 90m², provided the principal dwelling is 300m²* or less.

**** The ALC specifies 500 m² or less; in the Hornby Island Land Use Bylaw there is no maximum floor area for residential dwellings in the Agricultural zones, but the maximum in the Large Lot zone is 300 m².***

- Land Use Bylaw

20) Add the following under “Permitted Buildings, Structures and Densities” **for the Large Lot (R2) Zone and the Forest (R4) zone:**

One attached or detached accessory dwelling unit (in accordance with the regulations in Part 3) is permitted instead of a secondary suite on lots over 1 hectare

21) Amend the LUB to include the follow under “Permitted Buildings, Structures and Densities” **in the Large Lot (R2) Zone and the Forest (R4) zone:**

22) Replace 8.5(2)(b) with the following under “Permitted Buildings and Structures” **in the Agriculture (A1) Zone:**

On lots 2ha or greater, an accessory dwelling unit (in accordance with regulations in Part 3) is also permitted provided the floor area of the primary residential dwelling is no larger than 300m².

23) Amend the zoning regulations for relevant **Commercial zones** to permit accessory dwelling units for residential rental purposes (including employee housing) where this been established as appropriate.

24) In Part 3, add regulations for Accessory Dwelling Units:

- (1) Where an accessory dwelling unit is permitted in Part 8 of this Bylaw, the dwelling unit must**
 - (a) be authorized by a Siting and Use Permit;**
 - (b) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;**
 - (c) have a maximum floor area of 90 square metres.**
- (2) The accessory dwelling unit may be attached to detached from the primary dwelling.**
- (3) Before a Siting and Use Permit can be issued for an accessory dwelling unit, the owner must first grant a covenant to the Hornby Island Local Trust Committee that the unit only be used for residential rental tenure.**
- (4) The combined floor area of the primary residential dwelling unit and the accessory dwelling unit must not exceed the floor area permitted for a residential dwelling in the regulations for the zone.**

(Note that consideration can be given to varying the floor area of a building where there is a site-specific reason for doing so upon application for a Development Variance Permit.)

Suggested changes to enable secondary dwelling units through TUPs

- Official Community Plan

25. In the “Housing” section of the OCP under Rental Housing Plicies, policy 6.3.5.14 should be changed to read:

Where otherwise not permitted in zoning regulations, an attached or detached accessory dwelling unit, or the siting of a removable/mobile unit, may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 – Temporary Use Permits) in order

provide non-permanent, size-restricted, residential accommodation for a relative or a caregiver of occupants of the primary residence, for a community member under the *Residential Tenancy Act*, or for a community member who provides their own removable/mobile unit to be sited on the property.

- Official Community Plan (6.10) and Land Use Bylaw (Part 10) – TUPs

26. In the “Objectives” for considering TUPs, change objective (6) to read:

(6) to consider allowing an attached or detached accessory dwelling unit, or the siting of a removable/mobile unit, in order to provide non-permanent size-restricted residential accommodation for the purposes stated in OCP Policy 6.3.5.14.

27. Add **housing-specific guidelines** for issuing a Temporary Use Permit to allow an accessory dwelling unit as follows:

10.3A Guidelines for a Temporary Use Permit to allow an attached or detached accessory dwelling unit or removable/mobile unit:

(1) Upon application, Temporary Use Permits may be considered in accordance with *Objective (6)* for all parcels of land within the Hornby Island Local Trust Area,

(2) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.

(3) An application to renew a Temporary Use Permit, or to obtain a subsequent permit for the same use, will be given favourable consideration if

- a) permit conditions have been met,**
- b) the dwelling unit has been continuously used in accordance with a purpose specified in OCP Policy 6.3.5.14.,**
- c) the same specific need for housing continues to exist, and**
- d) no legitimate problems resulting from the use have been reported**

(4) In the small lot zone, a subsequent application may not be considered if it is for a new use after the previous situation has concluded;

(5) The general conditions for issuing a Temporary Use Permit for such dwelling units are as follows:

(a) adequate off-road parking is provided;

(b) proof of adequate sewerage system treatment capacity to address any increase in daily flow and of adequate water supply will be required if the combined number of bedrooms in the principal dwelling and in the accessory dwelling unit exceed two;

(c) sufficient setback to minimize impacts upon adjacent properties;

(d) the owner of the property may be required to provide an undertaking to remove a

detached dwelling, or to convert it to non-residential use, when the housing use permitted in the permit concludes,

(e) the combined floor area of a principal dwelling and an additional attached, detached or removable unit should not exceed the maximum floor area of a residential dwelling in the regulations for the zone;

(f) the combined number of bedrooms in a principal dwelling and in an accessory dwelling unit should not exceed three on lots less than 0.2 hectares in size;

(g) vacation home rentals must not be carried out on the same lot;

(h) the local trust committee may require a covenant under section 219 of the *Land Title Act* to ensure the dwelling unit is used for the intended purpose.

Enabling density bonuses

- Current policies and regulations; discussion

Section 482 of the Local Government Act provides for a local government to establish different density rules in a zoning bylaw to entitle an owner to increase density if conditions are met with respect to the provision of affordable or social needs housing.

The Hornby Island Official Community Plan, in the section on “Objectives and Policies for Development”, includes this policy.

6.1.5 Applications for amenity rezoning or density transfer may be considered by the Local Trust Committee for purposes of environmental and groundwater protection, community housing, removing growth pressures and consolidating lots. Eligible situations include dedication of land for park purposes and donation of land for conservation or community land trust. It must be demonstrated that the property proposed for receiving the density can do so without significant impact upon the land base including water resources, environmental values and neighbourhood character.

This policy was followed once when the Land Use Bylaw was amended to allow different subdivision regulations for a particular property in relation to the amount of land donated for community housing. The owner took advantage of the density bonus opportunity and donated land at Beulah Creek, since rezoned for “community housing” to ISLA .

There are no parcels outside of the Agricultural Land Reserve of sufficient size that would enable a similar process to happen.

The OCP contains the following policy for the “Rural Residential” designation:

6.3.3.1 For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential

growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.

The current subdivision regulations allow a minimum size of 1 ha. and an average size of 2 ha. For lots created by subdivision. In the large lot zone, the majority of parcels appear to be plus or minus 4 hectares. Thus, two lots can be created from a 4 ha lot.

There might be some potential to secure land for housing through density bonusing, such as through density transfer. Because opportunities that might occur cannot be anticipated, it would be hard to include a provision in zoning regulations.

A policy in the “Housing” section of the OCP could support such a provision.

Subdivision potential should not be increased except where this can be provided as a bonus in exchange for conditions that enable a housing benefit. The 2ha average on Hornby Island is already the smallest average size for large rural residential lots on Hornby Island. A blanket allowance of additional subdivision will not, in and of itself, generate needed housing on Hornby Island; it will simply create more real estate.

(Section 514 of the *Local Government Act* enables a lot to be subdivided for a relative that would not otherwise be permissible through zoning regulations. On Hornby Island, Land Use Bylaw 86, 1993, provided for such subdivisions. But Land Use Bylaw 150, 2014, discontinued the provision. This is because, more often than not, the lots that were created were not used by a relative but were sold on the market and there was no regulatory way to prevent this. Most other local governments have excluded the “subdivision for a relative” provision for this reason.)

Suggested changes to enable density bonuses

- Official Community Plan

28. Under “Community Housing” add:

Zoning regulations may be amended to permit a bonus in density, or the transfer of density, in accordance with section 482 of the *Local Government Act* and policy 6.1.5 of the Official Community Plan, where this would enable the provision of community housing, special needs housing or affordable housing.

29. Amend policy 6.3.3.1 in the “Rural Residential” section to read as follows:

For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community housing, special need housing, affordable housing, or other community service use.

Bylaw enforcement standing resolution

- Current standing resolution; discussion

In October 2021, the Hornby Island Local Trust Committee adopted this Standing Resolution:

“That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.”

At some point, consideration will be given to discontinuing this policy and perhaps replacing in with a different one.

Here is what the Denman Island Local Trust Committee has adopted:

'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply:

a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;

b) It appears that there is more than one unlawful dwelling on a lot;

c) An unlawful dwelling appears to be larger than 90 square meters; or

d) An unlawful dwelling appears to be located within a Development Permit Area;

and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.'

And that site inspections for the purpose of gathering information and communication with property owners will continue;

And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

Here is what the Saturna Island Local Trust Committee has adopted:

The Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

- There is a complaint from an immediate neighbour; or

- there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time

Having no policy in place could open the door to rampant enforcement and community reaction.

Having a policy could limit enforcement to situations causing impacts, but could also support and encourage applications to use new regulatory provisions to legalize non-permitted housing, making it more secure.

Suggested change for a bylaw enforcement standing resolution

30. Once new provisions for housing have been adopted in the Official Community Plan and Land Use Bylaw, the existing standing resolution could be replaced by something like;

The Hornby Island Local Trust Committee directs staff to only take enforcement action against unlawful dwellings if one or more of the following conditions exists:

- **there is a complaint from an immediate neighbour;**
- **there is information to suggest the presence of health, safety or environmental issues;**
- **it appears that there is more than one unlawful dwelling on a lot;**
- **an unlawful dwelling appears to be larger than 90 square meters;**
- **an unlawful dwelling is being used for visitor accommodation.**

Where enforcement action is initiated, staff is directed to encourage and support owners to make applications utilizing the available regulatory provisions for housing options.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Hornby Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.

Landowners are strongly encouraged to make applications using provisions in the Official Community Plan and Land Use Bylaw for allowing housing opportunities

Implementation

There are many possible variations of what is recommended here, which is being presented as a starting point for examining potential changes to land use policy and regulation.

Implementation of these recommendations – or whatever else is arrived at after consultation with housing organizations/interests and the community in general – should be accompanied or followed by:

- on-going efforts to make the public aware of housing provisions;
- development of a master plan for the Public Use Area, including the potential location of proposed housing projects;
- participation in lobbying other levels of government to make regulatory changes and provide funding to support the housing opportunities;
- improvements in application processing so that it is not experienced as overly bureaucratic and full of obstacles.

These recommendations might give rise to concerns about potential impacts.
With respect to what is being proposed:

- The provisions for community housing, land-sharing housing and multi-family housing would all

require consideration of site-specific zoning amendments, at which time the potential benefits and potential impacts of particular proposals can be carefully assessed (attached units and clustering can limit impacts on the land).

- The provision for secondary suites is being mandated by the provincial government and involves only using existing buildings (recommendations suggest occupancy levels being limited on small lots so as to address water and sewerage concerns).
- The provision for accessory dwelling units on larger lots would require a covenant to ensure residential rental tenure use and regulations would limit the combined size of a primary and secondary unit to the maximum size permitted for one residential dwelling.
- The provision for accessory dwelling units on smaller lots would involve site-specific consideration of applications for Temporary Use Permits in accordance with guidelines that address water, sewerage and other factors.

Experience has shown that opportunities for housing initiatives enabled through land use planning and regulation do not generally lead to them actually happening. Current provisions, in place for five or more years, for community housing, special needs housing, emergency housing, secondary suites and accessory dwelling units have resulted in no uptake. For community or group initiatives: projects require land, money and organizational capacity. For landowners: making affordable housing available is not a financially rewarding proposition and thus involves a degree of altruism.

These recommendations enable a comprehensive spectrum of housing options that are reasonably accessible while providing appropriate accountability with respect to water, land and rural character. They are based on identified housing needs and anticipate a range of possible initiatives that might be pursued to address them.

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27 August, 2023