



# HORNBY ISLAND OCP REVIEW

Community Engagement  
Patricia Maloney Consulting  
Zoom Meeting  
6.30 pm  
October 6<sup>th</sup> 2022





# INDIGENOUS ACKNOWLEDGEMENT



*We respectfully and  
humbly acknowledge...*

The Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Ləkʷəŋən, Lyackson, MÁLEXET, Qualicum, scəwáθən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SʔÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

*...these lands and waters  
have been home to  
Indigenous Peoples since  
time immemorial*

*...we honour the rich  
history, stewardship,  
and cultural heritage  
of this place*





Islands Trust

# Meeting agenda

1. Introduction
2. Background
3. Indigenous Communication
4. Riparian Areas
5. Affordable Housing
6. Short Term Vacation Rentals
7. Summary of Next Steps
8. General Q&A

# INTRODUCTIONS

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- Patricia Maloney
- Sharon Horsburgh
- Nadine Wiepning



# Background



- 2014: OCP Updated with new Short Term Vacation Rental policies and permitting the uses.
- 2016: OCP Updated with Riparian Area Regulation Development Permit Area
- 2017: OCP Review Project commences.
- 2018-2020: Project put on hold due to limited staffing resources.
- 2021-2022: OCP Review re commences

# BASIC VALUES OF HORNBY RESIDENTS

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1. To ensure that all human activities on the island respect the natural environment and preserve the fragile ecosystems.
2. To ensure the quality and quantity of the groundwater is not compromised through human activities.
3. To maintain a rural community that is safe, creative, self-reliant and diverse.
4. To develop and support the Official Community Plan to guide the actions and decisions of residents, visitors and all levels of government with respect to Hornby Island.

Source: <https://islandstrust.bc.ca/document/hornby-island-ocp-bylaw-149/> Pg. 6

# INDIGENOUS COMMUNICATION

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- Most documents are written from a colonial western cultural perspective
- Want to work with the First Nations and respect their history
- Consultant will be looking at the wording in the OCP and Zoning Bylaw to improve sensitivity and reflect reconciliation

# INDIGENOUS COMMUNICATION

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1. Establish a liaison committee
2. Edit all documents to be more culturally sensitive
3. Formally invite a Komoks representative to sit (as a non voting member) on LTC or APC
4. Establish a regular Trustee/Komox Chief and Council meeting
5. Other?





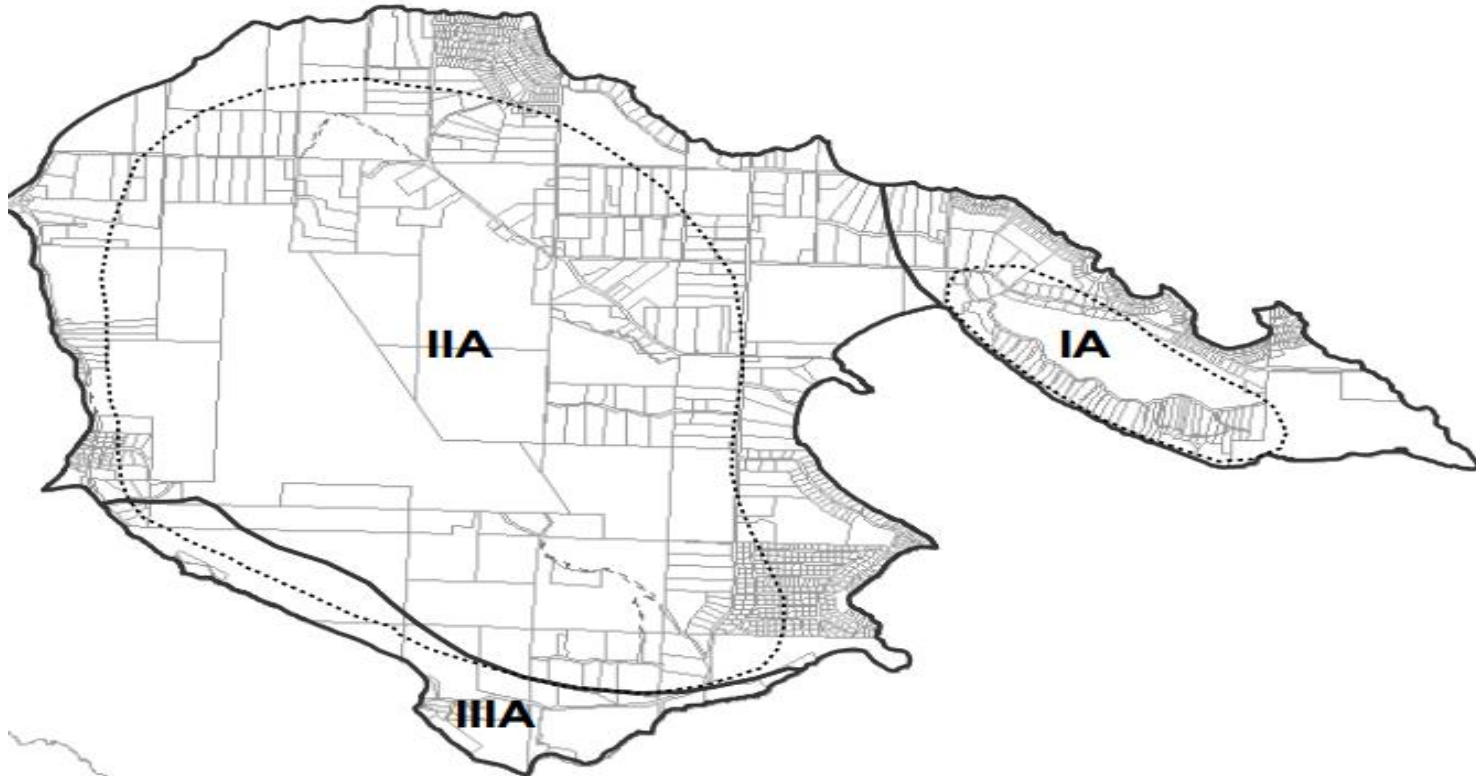
# RIPARIAN AREAS

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- Definition
  - Provincial Regulations RAPR/RAA
  - Water Sustainability Act – impacts on new residential and commercial properties
- Findings from previous technical studies – Mimulus (2011) Madrone (2014)
- Future Options for regulation:
  - Islands Trust to authorize using Temporary use permit provisions in Zoning bylaw
  - Continue building partnerships with other agencies to protect water resources
  - QEP sign off
  - Review setback requirements
  - Provisions for sea-level rise/Flood construction levels

**HORNBY ISLAND  
OFFICIAL COMMUNITY PLAN  
Bylaw #149  
Schedule D2  
Environmentally Sensitive Areas  
Aquifers**



- **Water Sustainability Act:** allows monitoring of registered wells.

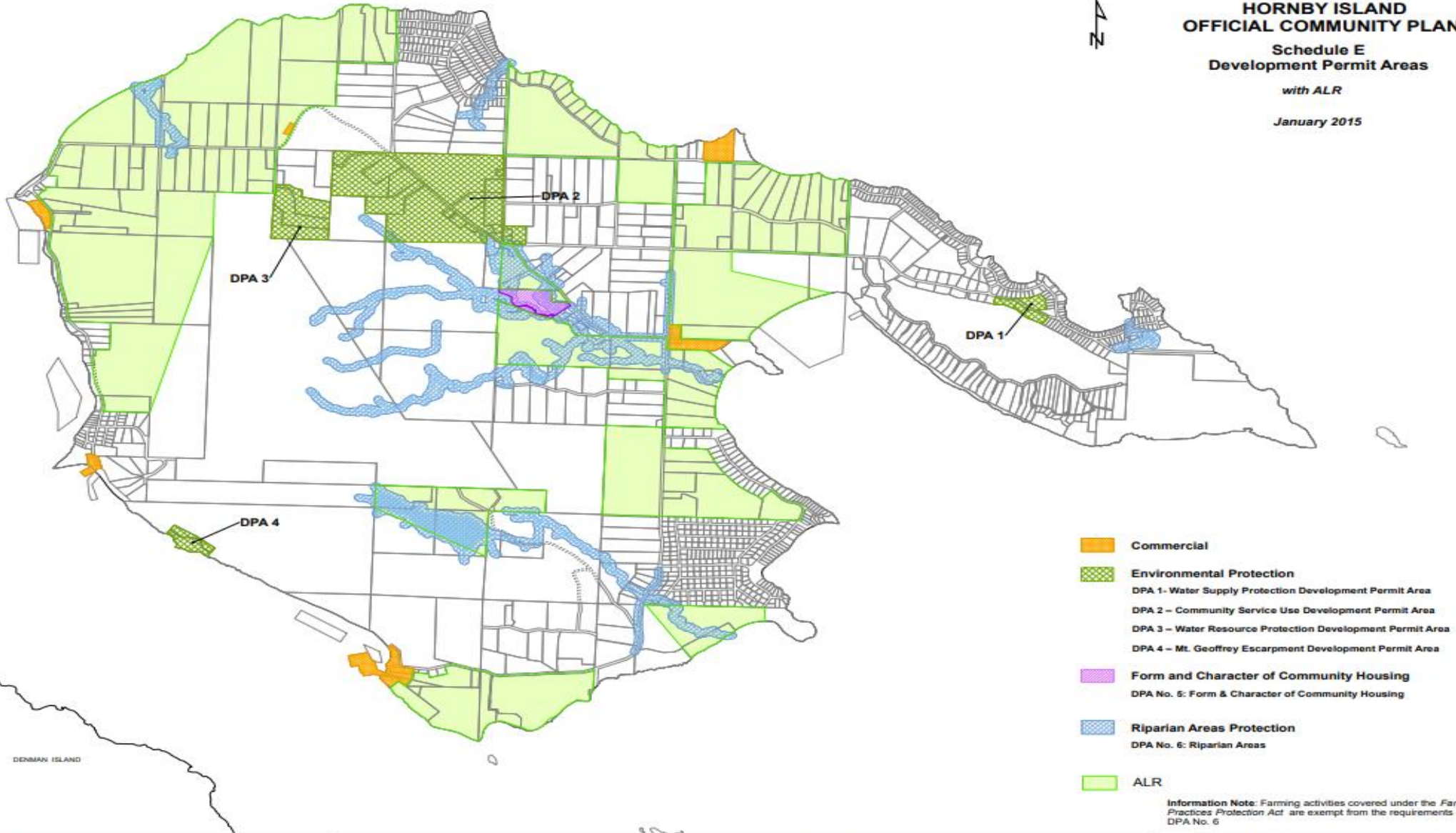
IA Heavily developed, high vulnerability  
IIA Lightly developed, high vulnerability  
IIIA Moderately developed, high vulnerability  
 ..... Recharge Zones

# Hornby Island Development Permit Areas. (2015)



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**HORNBY ISLAND  
OFFICIAL COMMUNITY PLAN**  
Schedule E  
Development Permit Areas  
with ALR  
January 2015



- Commercial
- Environmental Protection  
 DPA 1 - Water Supply Protection Development Permit Area  
 DPA 2 - Community Service Use Development Permit Area  
 DPA 3 - Water Resource Protection Development Permit Area  
 DPA 4 - Mt. Geoffrey Escarpment Development Permit Area
- Form and Character of Community Housing  
 DPA No. 5: Form & Character of Community Housing
- Riparian Areas Protection  
 DPA No. 6: Riparian Areas
- ALR

**Information Note:** Farming activities covered under the Farm Practices Protection Act are exempt from the requirements of DPA No. 6

DENMARK ISLAND



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**HORNBY ISLAND**

HORNBY ISLAND  
LOCAL TRUST COMMITTEE

SCHEDULE E  
DEVELOPMENT PERMIT AREAS



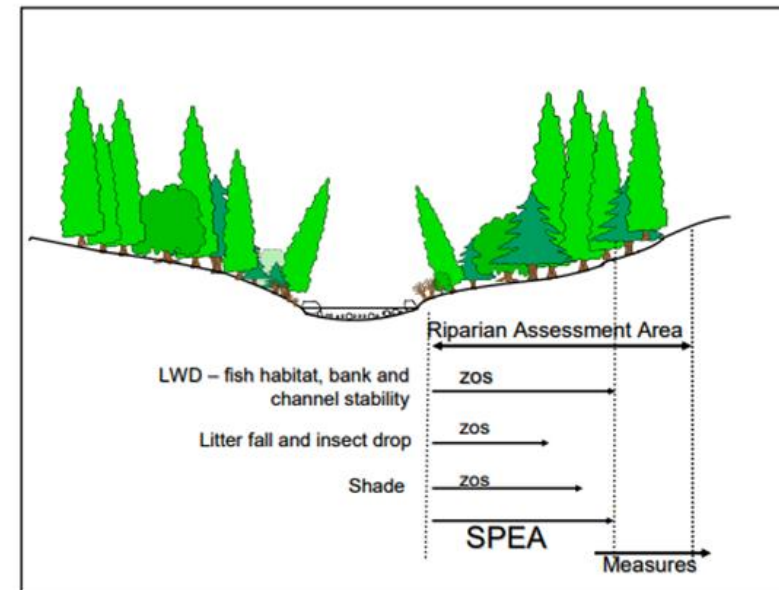
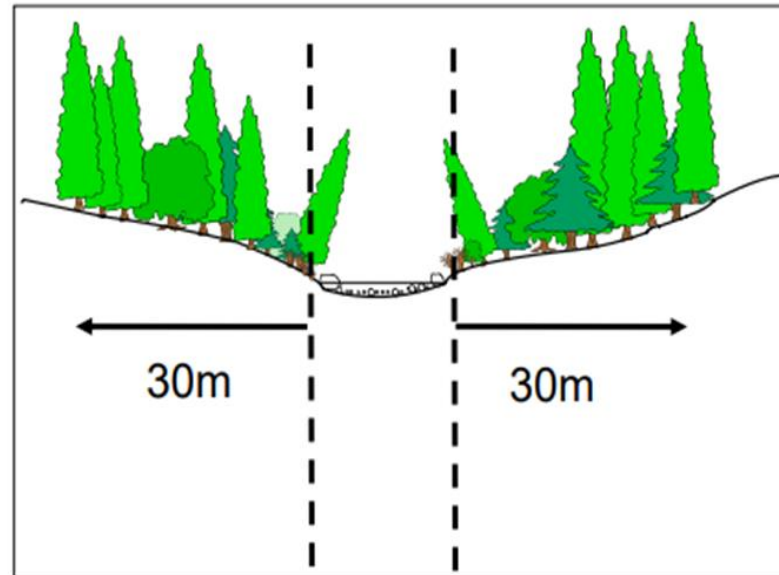
# WHAT DEFINES A RIPARIAN ASSESSMENT AREA?



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The Riparian Assessment Area (RAA) as defined under the regulation, consist of a 30 m strip on each side of the *stream*, measured from the stream boundary.

This would be considered an area where the local government would classify as a Development Permit Area therefore triggering an Assessment Report by a QEP



**How is SPEA Area Established?**  
Streamside Protection and Enhancement Area (SPEA) is an area defined through a Detailed Assessment completed by a QEP.

A QEP uses measurements and calculations based on features present in a Simple Assessment and or determining Zones of Sensitivity for the features, functions, and Conditions (FFCs) of the RAA as part of a Detailed Assessment for the proposed development project.

# STUDIES COMPLETED TO DATE

**The Islands Trust engaged Mimulus (2011) and Madrone(2014) to map watercourses & watersheds**

The purpose of mapping was to identify streams on Hornby Islands that was ultimately to protect fish and fish habitat from future development along the extent of the streams identified.

- These mapping exercises allows the Islands Trust to accurately identify the Streamside Protection and Enhancement Area (SPEA) for the identified streams in both projects.
- Any proposed development within the boundaries of the SPEA would trigger an Assessment Report under the Riparian Areas Protection Regulation (RAPR).

## Key take-away:

These technical reports complimented each other and their recommendations and findings were consistent for future land use planning purposes.

# RIPARIAN AREAS

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## 1. Islands Trust/Regional Activities:

### Actions to further protect Water resources on Hornby Island:

- **Collaborate with partners:** Review findings from Hornby Island Healthy Watershed Project (2021/22)
- **Update DPA and require a QEP to complete an assessment**
- **Maintain setbacks as outlined in RAPR?**
- **Other?**



Q&A



# WATER SUSTAINABILITY ACT (WSA)



**WSA Implemented:** February 29, 2016 to modernize BC's provincial water laws. This act replaces the former Water Act and brought a number of important changes for surface water and groundwater users.

## Why License Groundwater:

The licensing of non-domestic use provides a fair and transparent process that allows the government to understand and manage water usage in order to protect aquifers and streams especially during water shortages.




✓	<b>Licence Required</b> <i>Non-Domestic Use</i>	✗	<b>Licence Not Required</b> <i>Domestic Use</i>
	<p><b>You need a water licence</b> if you use groundwater for <i>uses other than domestic purposes</i>.</p> <p>This includes businesses, irrigators, industries, waterworks, and others who divert or use groundwater from a well or a dugout for non-domestic purposes.</p> <p>Home businesses must also apply for a water licence.</p>		<p><b>You do not need a licence</b> if you use groundwater for <i>domestic purposes</i> including:</p> <ul style="list-style-type: none"><li>• using water for a private dwelling household;</li><li>• fire prevention;</li><li>• private lawn and garden watering (up to 1,000m<sup>2</sup> or ¼ acre); and</li><li>• providing water to domestic animals or poultry kept as pets or for household use.</li></ul> <p>Even if you do not need a licence, you are encouraged to <a href="#">register your well</a> to protect your domestic water use rights.</p>

# BENEFITS OF A HAVING A WATER LICENSE

A water licence is tied to your land and has many benefits:



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Benefits of Applying for a Water Licence Now		New Users	Existing Users
<b>Rights and Law</b> 	Secures your water rights: grants you rights and the legal authority to use water	✓	✓
	Your water right will be given priority over newer users during times of scarcity	✓	✓
	You will be complying with the <i>Water Sustainability Act</i>	✓	✓
	Establishes your <i>first-in-time, first-in-right (FITFIR)</i> priority date	✓	✓
	Recognizes your historic groundwater use if you are an existing user ( <i>see Q.5 for "Existing User"</i> ) and provided you apply by March 1, 2022		✓
<b>Business Benefits</b> 	Can enhance the value of your property	✓	✓
	Grants you a right to a specific water volume to support your business	✓	✓
	Protects your right to water from newer users and future development	✓	✓
	Provides a fair and transparent system for managing water during shortages	✓	✓
	You are part of a streamlined application process if you are an existing user and you apply by March 1, 2022 ( <i>see Q.5 for "Existing User"</i> )		✓
	You are exempt from paying application fees if you are an existing user and you apply by March 1, 2022		✓
<b>Water Protection</b> 	Helps protect water resources for the benefit of all British Columbians	✓	✓
	Helps ensure sustainable management of your water supply	✓	✓

# AFFORDABLE HOUSING



- 2018 Housing Needs Assessment identified a need for affordable rental housing for island employees, ferry workers and aging residents.
- Survey completed in 2021 identified a growing need for affordable housing for seniors, young people (volunteer fire department) and employees
- Businesses are identifying difficulty getting and keeping staff because of lack of housing
- Community is concerned about environmental impact on water and septic, traffic, lifestyle, too many people, ferry crowding,
- Options include dedicated seniors housing, secondary dwelling units (includes attached suites, carriage houses, cottages) as mortgage helpers, care givers etc.



# OFFICIAL COMMUNITY PLAN

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- OCP – Fairly silent on affordable housing
- OCP has policies that conflict with Land Use Bylaw “6.3.3.4 Only one dwelling unit should be permitted on lots smaller than 4.0 hectares, and a maximum of two dwelling units should be permitted on lots 4.0 hectares or greater. “
- Defines Affordable Housing ““Affordable Housing” is housing that is by intent and policy more affordable than identical housing that is or could be provided elsewhere in the community and is housing that by design and size provides for residential accommodation that can be acquired with 30 per cent of the median gross income of families or individuals on Hornby Island.

# LAND USE BYLAW

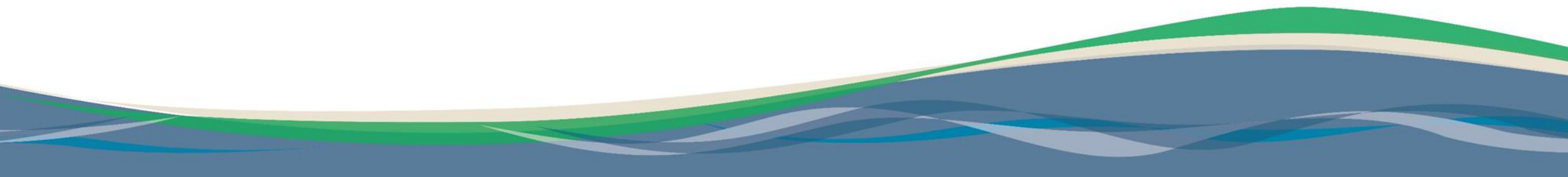
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- Definition: secondary suite means a separate dwelling unit located wholly within a building which is a single real estate entity used for residential use and which contains only one other dwelling unit (See section 3.8).
- Land Use Bylaw allows, as permitted uses, Secondary Suites in:
  - R2 (over 2 ha), R4, A1, A2 (Shire), A3 (Syzygy), A4,
  - C5 (accessory residential)
- Multi family housing is allowed I R3A Community Housing

# OPTIONS

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- Allow all secondary dwelling units
  - Allow secondary dwelling units with “environmental” parameters
  - Allow secondary dwelling units only with a housing agreement
  - Only allow SDU’s for farm help
  - Only allow SDU’s for care givers
  - Do not allow secondary dwelling units
  - Only allow secondary dwelling units inside existing dwellings
  - Regulate through DPA, Temporary Use Permit, license
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# AFFORDABLE HOUSING OPTIONS

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1. **Allow or not allow SDU's**
2. **Allow multi unit housing for seniors only**
3. **Require Housing Agreements**
4. **Allow with a Temporary Use Permit**
5. **Require metering of all wells**
6. **Only allow within existing buildings**
7. **Other?**



Q&A

# SHORT TERM VACATION RENTALS

- Residents continue to be conflicted about STVR's
- Many people consider the users of the STVR's to be disrespectful about the environment and lifestyle on Hornby
- It is unclear if the water and septic serving the house can accommodate the numbers of visitors
- Concern that STVR takes long term rentals out of the market
- Concern that STVR is increasing housing values beyond affordability

# CURRENT BYLAW ENFORCEMENT

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- LTC passed a motion in 2020 for proactive enforcement
- Currently 11 open cases – 6 from proactive enforcement, 5 from complaints
- Many STVR's on the island are legal
- Bylaws cannot control people, only bedrooms and yet the OCP says “6.3.2.15 Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.”
- 30+ day rentals is not illegal anywhere
- Bed and Breakfasts are legal and not STVR's
- Temporary Use Permit requirement (for new or currently illegal STVR's would make enforcement more effective
- Cannot enforce based on if the owner is from Hornby or off island



# SHORT TERM VACATION RENTALS

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## ▪ Options:

1. Temporary Use Permit
2. Advocate for Licensing Ability
3. Do not allow new and shut down illegal
4. Other?



Q&A

# NEXT STEPS

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- Review the input from the Community (October 2022)
- Prepare Draft Recommendations (November 2022)
- Local Trust Committee Consider (January 2023)
- Another round of Engagement to review the draft Recommendations (February 2023)
- Prepare a Final Recommendation report for LTC (March 2023)