



Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting:	Friday/November 29, 2024
Location:	The Green Room, Hornby Island Hall 4305 Central Road, Hornby Island, BC
APC Members Present:	Wendy burton, Chair Angela Therrien, Deputy Chair Joanne Ovitsland, Secretary Aileen Fearman, Member Vicki Bale, Member Rob McCreary, Member
Regrets:	Sadie Chezenko, Member
Staff Present:	Katherine Vogt, Recorder (by Teleconference)
Others Present:	Approximately one (1) member of the public

1. CALL TO ORDER

Chair Burton called the meeting to order at 10:01 am. She welcomed everyone and noted that quorum was present. She acknowledged that the meeting was being held on the traditional and unceded territory of the Kómox Nation and the Pentlatch People.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated November 15, 2024

The following items were presented for consideration for amendment:

- On page 2, first paragraph, 2nd bullet, 2nd line, delete the word “documents;” and add the phrase “members of the public” after the word “minutes.”
- On page 3, first paragraph, 5th bullet, first line, replace the word “considered” with the word “suggested.”
- On page 4, 2nd paragraph, 5th bullet, 6th line, replace the word “were” with the phrase “will be.”

By general consent, the minutes were adopted as amended.

4. Discussion of Referral

Advisory Planning Commission (APC) members considered a recently prepared “Discussion Document for HOAPC 2024-11-29: Summary of discussion of referral: Prepared by Wendy Burton, Chair, and Angela Therrien, Vice-Chair: HOAPC, November 21, 2024.”

APC members thanked the Chair and Vice-Chair for their hard work in preparing the document.

Chair Burton expressed hope that final referral recommendations could be voted on by the end of this meeting; and noted that the minutes of this meeting would be the final transmission document to the Local Trust Committee (LTC). Also, the APC was permitted to draft a narrative statement for out-of-scope recommendations and rationale.

APC members were advised by the Chair of the following:

- that each proposed individual bylaw amendment had to be placed in one of the following categories with accompanying rationale: 1) Take the bylaw forward to Public Hearing; 2) Proceed with the bylaw on a conditional basis; 3) Not proceed with the bylaw; 4) Not proceed with the bylaw at this time.
- that every informal and formal document that has been drafted throughout this referral by any APC member is subject to Freedom of Information Request retrieval while the referral is open; and needs to be saved.

4.1 Proposed Bylaw 176 (OCP) and 177 (LUB): amendments to do with Short Term Rentals/Temporary Use Permits; amendments to do with Secondary Suites and 1A Aquifer designation; and permitted dwellings on 2 hectares/4 hectares parcels

The minute taker teleconference line was disengaged at 10:16 am and resumed at 10:21 am. Vice-Chair Therrien chaired the meeting while Chair Burton reset the teleconference line.

APC members discussed amendment proposal items that had been previously supported by the APC, noting the following:

- An APC member noted ambiguity in a sentence of the background statement of item 6.5.4.1; and requested deletion of “rental of a second dwelling on a property.”
- An APC member suggested that the APC provide an explanatory statement for why the APC was recommending removing all language relating to allowing secondary suites in R1(B); Shire Property; Syzygy; Downes Point Land Holdings Ltd.
- An APC member requested that the APC recommends that the amendment to 6.5.2.5 be conditional on language clarification.

HO-APC-2024-001

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission accept the following amendments to take to Public Hearing: 6.3.1; 6.3.2; 6.3.23; 6.3.3; 6.3.3.10; 6.5.2.5 (c);6.5.4.1;3.14 (1 and 2); 8.4 1 (c); 6.10(9); and that 6.5.2.5 (b) be accepted with language adjustments so that it states: “on land in the

Agriculture Land Reserve, vacation home rentals are approved by Temporary Use Permit. Agritourism accommodation is approved in accordance with Agriculture Land Commission Policy and Regulation, if zoning allows such use.”

CARRIED

The motion was carried unanimously.

APC members discussed the proposed Official Community Plan (OCP) and Land Use Bylaw (LUB) definition of “structure” in relation to cisterns, noting the following:

- Currently, cisterns of any size and number can be placed right up to the edge of a property line.
- Screening can ameliorate visual disturbance to neighbours.

HO-APC-2024-002

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission accept, with conditions, that the definition of structure means any object or construction fixed to, supported by or embedded in land, including retaining walls and stairs, but excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, septic tanks, septic discharge field and related appurtenances, and water storage cisterns appropriately screened.

CARRIED

The motion was carried unanimously.

APC members discussed amendments to do with small lots in the 1A (highly vulnerable aquifer) designations (amended Schedule D2), in relation to secondary suites, noting the following:

- Previously, the APC had considered classifying the entire island as highly vulnerable aquifer, which would have had the unintended consequence of removing permission for secondary suites for the entire island.
- Previously the APC had tentatively considered not extending the 1A designation, which is currently applied to Whaling Station, Sandpiper, Galleon, and a section of Anderson Drive.
- The lack of scientific knowledge on the entire island aquifer situation should be included in a final APC narrative.
- Under item (formerly 3.6) at the very end of the paragraph, it should be added “and adequate potable water.”
- Whaling Station is currently not permitted to have secondary suites under the 1A designation which includes large acreage High Salal properties whose owners may need an extra suite.

The Chair clarified that the following motion has the implication of striking out the last line in paragraph 2 under Item 6.3.2 Small Lot Residential, Background, which states: “In 202x the Local Trust Committee added the Galleon and Sandpiper neighborhood areas to this aquifer classification.”

HO-APC-2024-003

It was MOVED and SECONDED,

that the Hornby Island Local Advisory Planning Commission not proceed with the bylaw amendment No. 173 Schedule 2 at this time.

CARRIED

4 members of the APC supported the motion; the Chair did not vote; and one member was opposed to the motion because the member knows many residents of Galleon and Sandpiper who are contending with problems to their water supply and believes that these areas are becoming as water vulnerable as Whaling Station.

Chair Burton moved forward with a summary of what was believed to be the current APC consensus on secondary suites, noting the following:

- Secondary suites or accessory dwelling units (ADU)s would be permitted in all zones.
- Secondary suites would have to be within the roofline of the principal residence, and have a maximum footprint of 50% of the principal residence.
- While secondary suites could not be used for vacation home rentals because they are meant for residential rental tenure, primary residences could be.
- Lots smaller than 2 HAs would be allowed one principal residence and one secondary suite or ADU; and lots 2 HAs or larger would be allowed 2 principal residences and 2 secondary suites or ADUs.
- For R2 lots, residential rental tenure only was stipulated by the APC in their March 2022 recommendations.
- Secondary suites should be occupied by either the owner or tenant, and not be used for vacation home rentals.

APC members noted the following:

- The building, septic, and water costs for secondary suites or ADUs are so prohibitive, that likely few people will be able to finance them.
- Property owners will be able to apply for variances from the bylaws.
- A moratorium still exists for enforcement on residential rentals.

HO-APC-2024-004

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that Land Use Bylaw Item 3.7 Secondary Suites be adjusted to add “or accessory dwelling units.”

CARRIED

The motion was carried unanimously.

HO-APC-2024-005

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that Land Use Bylaw item 3.7, (1) (e) be restated to the following: “be located wholly within a permitted residential dwelling.”

CARRIED

The motion was carried unanimously.

An APC member raised the concern that a studio or small bachelor style apartment might not be permitted under the current definition of secondary suite, which may demand such amenities as a full separate bedroom, a full separate kitchen, or a full separate bathroom; thereby impeding some people from providing needed housing. The member requested that this issue be addressed in the APC narrative.

HO-APC-2024-006

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that a new category (h) be added under Land Use Bylaw Item 3.7 (1) that states: “accessory dwelling unit where permitted for owner or residential tenant.”

CARRIED

The motion was carried unanimously.

HO-APC-2024-007

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that Land Use Bylaw Item 3.7 (2) be restated to the following: “Where a secondary suite or accessory dwelling unit 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 secondary suite or accessory dwelling unit is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite or accessory dwelling unit.”

CARRIED

The motion was carried unanimously.

Chair Burton noted that adequate sewage treatment could include composting toilets.

HO-APC-2024-008

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that Land Use Bylaw Item 3.7 (4) be restated to the following: “Despite Part 8 of this Bylaw, a secondary suite or accessory dwelling unit is a permitted use 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.”

CARRIED

The motion was carried unanimously.

APC members noted that Land Use Bylaw item 3.7 (3) also needed the insertion of the phrase “or accessory dwelling unit” after each iteration of the phrase “secondary suite.”

APC members discussed the definition of vacation home rentals in the Land Use Bylaw (LUB), noting the following:

- The provincial definition of ‘short term rentals’ are that they are accommodations provided to members of the public in a host’s property, in exchange for money, for a period of less than 90 consecutive days.
- The proposed definition for Hornby Island would bring the allowable time period down to less than 30 days to provide for workforce housing monthly rental contracts of 30 days for ferry workers and others that currently are regulated under the Residential Tenancy Act, and which may become illegal under a 90-day default short-term rental time period.

HO-APC-2024-009

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the current definition of vacation home rental be the following: “short-term rental use means the use of a principal dwelling unit for the temporary accommodation of paying guests for a period of less than 30 consecutive days. Short-term rental use is permitted as permitted with a valid temporary use permit.”

CARRIED

The motion was carried unanimously.

APC members moved discussion forward to LUB Item Part 10 Temporary Use Permit Areas, noting the following:

- There needs to be language written in the LUB that makes it clear than TUPs can be reapplied for.

HO-APC-2024-010

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the Land Use Bylaw Item 10.1 Temporary use Permits add the following: “Temporary Use Permits can be issued for a term up to three years and may be renewed one time only, after which time a new application may be applied for.”

CARRIED

The motion carried unanimously; and the Vice-Chair noted that the inclusion of this motion meant that the proposed bylaw was being accepted with conditions.

APC members discussed TUP Guideline items, noting the following:

- Outhouse/composting toilet options are being proposed by the APC for addition to the TUP guidelines.

HO-APC-2024-011

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the Land Use Bylaw 10.2 Temporary Use Permit Guideline (10) b) i) and ii) state the following: “i) the septic tank or approved outhouse/composting toilet has been inspected in the last 6 months and is working and capable of supporting the proposed occupancy load for the vacation home rental use; and ii) there is sufficient quantity and quality of potable water to support the vacation rental use.”

CARRIED

The motion was carried unanimously.

APC members discussed limits on allowable numbers of people for short-term rentals; and that the age of 12 months was considered a standard health and safety boundary below which a baby was likely not walking yet.

Member McCreary left the meeting at 11:59 am.

HO-APC-2024-012

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the Land Use Bylaw 10.2 Temporary Use Permit Guideline h) be amended to state the following: “A condition of the permit allows no more than 6 people over the age of 12 months on lots less than 1.0 hectare in size; or 8 people over the age of 12 months on areas of 1.0 hectare or more.”

CARRIED

The motion was carried unanimously.

APC members moved forward to discuss TUP sign and parking guidelines.

HO-APC-2024-013

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission recommends that the following Land Use Bylaw Section 3.7.2 be inserted into the new Temporary Use Guidelines: “A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises;” and also that Parking be inserted as a section in the Temporary Use Permit Guidelines that refers applicants to follow section 5.4 Parking.

CARRIED

The motion was carried unanimously.

APC members discussed the following outstanding TUP issues that could be conveyed in an APC narrative:

- Keeping application fees low.
- Batch processing of unexceptional applications; exceptional applications would go to Trustees.

- A site plan rather than a registered site plan would be sufficient unless deemed necessary by a planner.
- Potable rainwater acceptability.

4.2 Transmission of HOAPC response to referral

APC members discussed the drafting of an APC narrative, which could convey recommendations out of scope of the referral or give greater context and rationale to the APC recommendations already made in motions.

HO-APC-2024-014

it was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission requests that the Chair sends the minutes of the current meeting to the Trustees as soon as the minutes are available.

CARRIED

The motion was carried unanimously.

HO-APC-2024-015

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission requests that Chair Burton and Vice-chair Therrien draft a narrative that is distributed to each Advisory Planning Commission member by email and that each member does not reply to all to trigger a meeting in their response, and that this draft be sent by email to Trustees.

CARRIED

The motion was carried unanimously.

HO-APC-2024-016

It was MOVED and SECONDED,

that the Hornby Island Advisory Planning Commission requests a delegation of Member Fearman and Vice-chair Therrien at the next appropriate meeting of the Local Trust Committee.

CARRIED

The motion was carried unanimously.

5. Next Steps and ADJOURNMENT

By general consent, the meeting was adjourned at 12:18 pm.

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder