

Rationale to accompany the minutes of the HOAPC November 29, 2024 meeting

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December 15, 2024

The HOAPC response to the proposed amendments are considered through the lens of climate change. The HOAPC proceeded with evidence-based information and the awareness of unintended consequences. We exercise the Precautionary Principle. We endorse the primary mandate of the Islands Trust: to preserve and protect Hornby Island.

1. The APC recommends Accessory Dwelling Units OR secondary suites because doing so
 - provides options for ‘aging in place’ and ‘work force housing’
 - supports the Hornby Island culture of limiting density to protect the ecosystem.
 - provides a way to legalize ADU currently located on properties in Sandpiper/Galleon and other areas of Hornby, providing septic and water approvals in place.
2. The HOAPC considers Glamping, as we understand it, to be a form of camping, and it is therefore not permitted where camping is not permitted. Where it is permitted, a TUP must be in place. We understand that properties within the ALR are governed by ALC rules and regulations; however, glamping or similar STR that are not considered agri-tourism will be governed by the TUP process

3. To emphasize ONE secondary suite OR ONE Accessory Dwelling Unit, conforming to existing bylaws to do with percent of land covered, size, siting, etc. The HOAPC recognizes the importance of limiting lot coverage and ground water protection and recommends limiting the size of the ADU.

- We understand secondary suites OR ADU, where permitted, will not be short term rentals
- We proceed on the understanding that short term rentals take place in the principal residence and not secondary suites OR ADU
- To respect First Nations’ concerns about further disturbance of the land as a result of increased development.
- We operate with the assumption that secondary suites OR ADU will be restricted to residential rental tenure or family occupation. Short term rentals will be permitted in the principal residence with a TUP

We acknowledge it is important to permit ADU because doing so reflects the Hornby culture. APC supports limiting the size and ground footprint of ADU to not increase lot coverage.

The HOAPC encourages the LTC to use the provincial definition of a secondary suite. “A secondary suite is a complete living unit with its own kitchen, sleeping area, and washroom facilities contained within another dwelling.”

4. The HOAPC recommends LTC adopt the provincial term “Short Term Rental” rather than the current IT term “Vacation Home Rental” to align with the new provincial legislation.

5. Below is the rationale for the recommended short term rental definition.

- The HOAPC recognize that it is important to the reader of the HO LUB that a definition of Short Term Rentals be clearly explained in the definition section of the HO LUB and that it aligns with the term Short Term Rental (new provincial legislation term for Vacation Rentals) and that the number of days a rental is considered short term is identified for the following reasons:
 - If the local LUB is silent on the number of days that define a short term rental and if the local legislation is silent then the provincial definition applies.
 - The new short term legislation now defines short term rental as less than 90 days. This means if we do not define it in our LUB then the provincial definition stands and it would apply to any rentals less than 90 days. On Hornby, this would preclude anyone renting off season on a month by month basis and therefore affect the workforce housing that comes to the island and also any other month to month rentals.
 - The Province in their legislation allows a local government to define short term rental at a different number of days than the 90. If we do not define days in the LUB then all rentals less than 90 days must have the TUP and rentals less than 90 days would be illegal October to April.

6. The HOAPC recognizes that scientific data exists to support the classification 1A (heavily developed/Highly vulnerable) of what is referred to as the Whaling Station subdivision. The HOAPC recognizes the HOAPC in 2022 reviewed sufficient evidence to identify the Sandpiper and Galleon subdivisions as 1A; however, we believe the requirement of a Site and Use Permit (SUP) for secondary suites to verify sufficient water and septic capacity will meet the concern for protecting these areas of the island without re-classifying more land and restricting secondary suites OR Accessory Dwelling Units on each lot.

7. The HOAPC recommends the LTC add the following out of scope land use planning issues to the future project list for further discussion and analysis:

- to enlist the aid of the IT Fresh Water Specialist to produce a comprehensive review of aquifer vulnerability mapping and designations for the entire on Hornby Island

8. The HOAPC supports STR licencing by CVRD rather than Islands Trust TUP, but understands that the TUP is what Hornby Island has to work with at present. We are aware a TUP is registered on title and follows the legal transfer of land, while a business licences does not transfer with title. The HOAPC encourages Island Trust to pursue licencing for Hornby Island.

9. Properties in R1(b) are governed by bylaws. If these land cooperatives or corporations wish to permit secondary suites, they may initiate the process with the LTC

- Shire
- Syzygy
- Downes Point

10. Our response to the proposed amendments to do with lot size and permitted dwellings is based on this understanding:

6.4.4.6 Only one principal dwelling unit and one secondary suite OR ADU will be permitted on lots small that 2 hectares AND A maximum of two dwelling units and two secondary suites OR two ADU will be permitted on lots 2 hectares or large.

11. The HOAPC did not make a recommendation about the capping of short term rentals. Doing so is out of the scope of this referral. In 2022 HOAPC did, however, encourage the LTC to consider capping short-term rentals (the number determined through community consultation).

12. The HOAPC did not make a recommendation about the permitted time period for Short Term Rental. Doing so is out of scope of this referral. In 2022 HOAPC did, however, suggest the time period for STR be re-considered with community consultation.

13. The HOAPC recommends the LTC add the following out of scope land use planning issues to the future project list for further discussion and analysis. The HOAPC recommended to the LTC in March 2022 to direct IT planners to create descriptive bylaws for two (now four) properties in the A1 zone: Fossil Beach Farm, Hornby Heart Vineyard, the property at 7250 Central Road, and Little Tribune Farm. This language will guide the development and permitting of activities that are not governed by ALC regulations.

14. During our discussions about the current referral, we were advised by Sonja Zupanec about the requirement for possibly two septic systems for secondary suites/ADU and the VIHA requirement that if the ADU shares a water line with the principal residence, then a Water System is required. This information needs to be prominently presented to community members considering adding a secondary suite or an ADU. Please refer to page 4 of the HOAPC meeting of November 1, 2024 for the record of what we learned.

- Sonja Zupanec has confirmed alternative forms of **approved** water and septic include rainwater collection, composting toilets, and “regulation” outhouses

15. The HOAPC moved to accept the amendment to allow keeping chickens on 1 hectare or smaller lots, with the exception that roosters are not permitted. We then considered a 1 hectare property might be large enough to have a rooster. We advise the LTC to request for input from such farm/small acreage property owners to decide if roosters may be permitted on lots 1 hectare or smaller.